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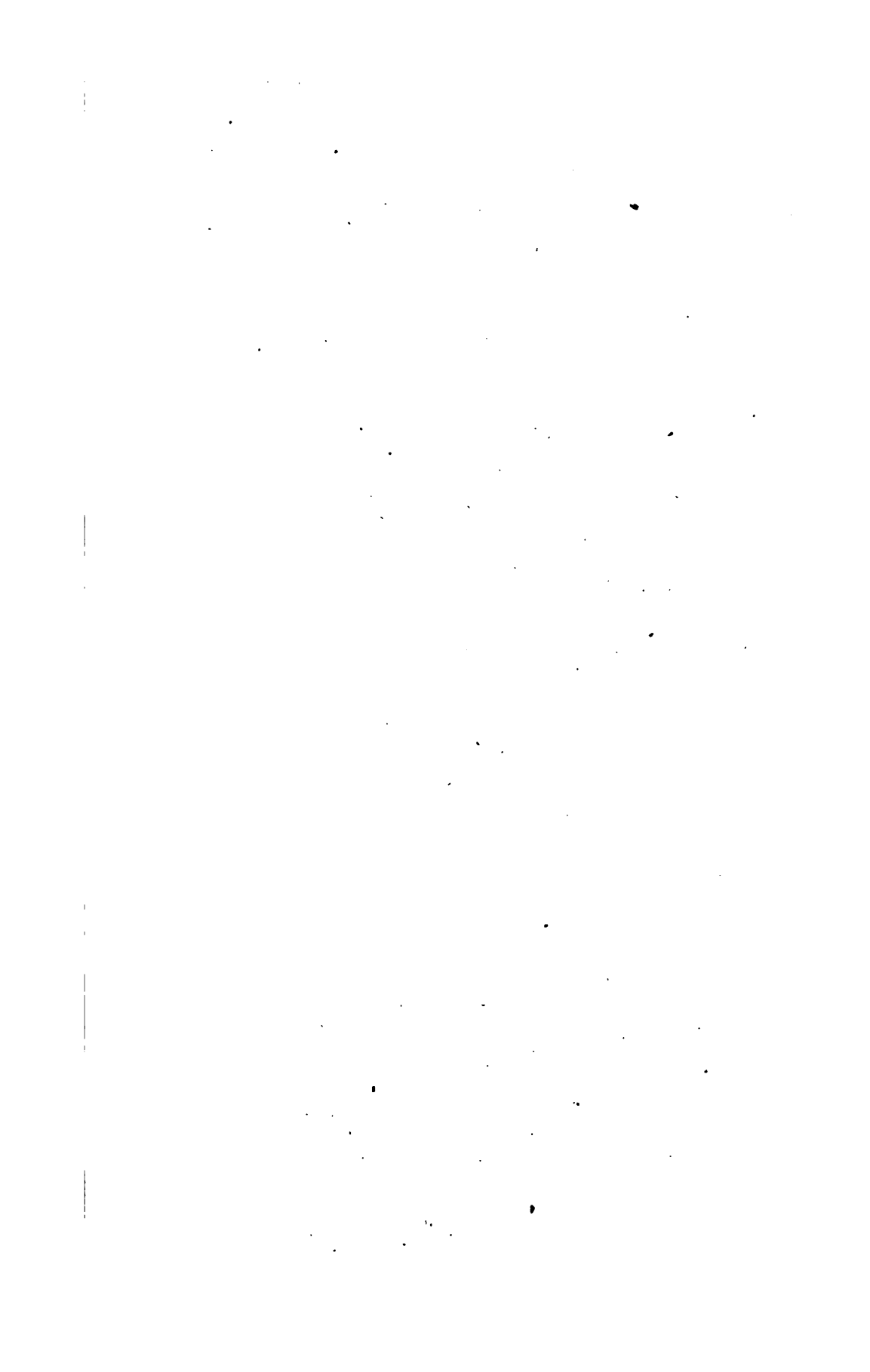


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THE  
HISTORY  
OF  
NORTH CAROLINA,  
FROM THE EARLIEST PERIOD.

—◆—  
BY FRANCOIS-XAVIER MARTIN.  
—◆—

*Colonia autem jura, institutaque populi Romani, non sui  
arbitris habebant.*

CEL. lib. 16, cap. 28.

VOLUME II.



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NEW-ORLEANS:

PRINTED BY A. T. PENNIMAN & CO.

Corner of Chartres and Bienville Streets.

1829.

*Eastern District of Louisiana, ss.*

BE IT REMEMBERED, That on the twentieth day of July, in the year of our Lord one thousand eight hundred and twenty-nine, and of the independence of the United States the fifty-third, FRANCOIS-XAVIER MARTIN, of the said district, hath deposited in the Clerk's office for the District Court of the United States for the Eastern District of Louisiana, the title of a book, the right whereof he claims as author, to wit:

"The History of North Carolina, from the earliest period. By François-Xavier Martin.

*Colonia autem jura, institutaque populi Romani, non sui arbitrii, habebant.*

GZL. lib. 16, cap. 23.

In conformity to an act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors of such copies during the times therein mentioned;" and also, to the act entitled "An act supplementary to an act, entitled 'an act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies, during the times therein mentioned,' and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

FRANKLIN W. LEA,

*Clerk of the United Court for the Eastern District  
of Louisiana.*

**THE  
HISTORY  
OF  
NORTH CAROLINA.**

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**CHAPTER I.**

CAROLINA, on its becoming the property of the crown, was divided into two distinct provinces, and on the 29th of April, 1730, George Burrington, who a few years before, had presided over the northern part of the province, under the authority of the lords proprietors, was appointed governor of North Carolina. He did not reach his government till the middle of the month of February; Sir Richard Everard yielded him the supreme authority without any struggle, and he qualified at Edenton on the 25th. None of the former officers were continued. William Smith was appointed chief justice, Nathaniel Rice, secretary, Edmund Porter, judge of the admiralty, John Montgomery, attorney general, and Robert Holton, provost marshal. Those officers were named as councillors, in the governor's commission. John Palin, Joseph Jenoure, John Baptist Ashe, Cornelius Harnett, John Lovick, Edmund Gale and Mathew Rowan were either named with them in the same instrument, or called into the king's council, during Burrington's administration.

His instructions provided, that three members of the king's council should constitute a quorum; they required him, in case of a vacancy, to forward with

the information of it, the names of a number of respectable planters, whom he might deem proper persons to fill it; but, in case the board was reduced to less than seven members, they authorized him, with the advice of the council, to fill vacancies, until that number was complete. He had power to suspend any member of the council, on just cause, from his seat at the board, until the king's pleasure was known; to grant reprieves in cases of treason, and pardons for all other offences, and to collate to all ecclesiastical benefices.

He was directed, with the advice of the council, to call assemblies of the freeholders of the province, according to former usage, and authorised, with their consent and that of the council, to exercise legislative powers: but the provincial acts were to be transmitted to the king in council for his revision, and on his disallowance they were to cease having any force.

With the assent of the council, he was also empowered to establish courts of justice, fairs and markets, and to dispose of vacant lands.

The governor and council were authorized to hold a court of error, and take cognizance of all suits, in which the matter in dispute exceeded in value the sum of one hundred pounds, and from them an appeal lay to the king in council, in England, if it exceeded three hundred pounds sterling.

The lords of the admiralty had granted to governor Burrington a commission of vice-admiral in the province.

The vice-admiral, members of the council, commanders of the king's ships in the province,

chief-justice, judge of the vice-admiralty, secretary, receiver and surveyor-general, were constituted a court for the trial of pirates.

The prosperity of the king's new acquisition depending in a great degree on the tranquility of its inhabitants, it had been judged by the British ministry, an object of primary importance to secure the friendship of the nations of Indians, by whom there was most reason to apprehend it might be disturbed. For this purpose Sir Alexander Cumming was sent to conclude a treaty of alliance with the Cherokees, at that time a warlike and formidable nation. They occupied the land on the back part of the settlements of both the Carolinas, towards the Appalachian mountains. The country they claimed as their hunting grounds was of immense extent, and the boundaries of it had never been ascertained. The inhabitants of their different towns were computed to amount to more than twenty thousand, six thousand of whom were warriors, fit to take the field on any emergency. An alliance, with this nation, was an object of importance to the Carolinas, and likewise to the mother country, who now engaged their protection and defence. Sir Alexander arrived at Charleston about the same time that governor Burrington reached Edenton. He lost no time, and in a few weeks after met the chiefs of the Cherokee lower towns, at Keowee; they received him with marks of friendship and esteem. Messengers were immediately sent to the towns in the middle, valley and over hill settlements to summon a general meeting of the chiefs, for the purpose of holding a congress

with Sir Alexander, in the month of April, at Requassee.

Immediately after his qualification, governor Burrington issued a proclamation for convening the first legislative assembly of the province, under the immediate authority of the crown. They were called at Edenton, and required to meet on the 13th of April, 1731. With a view to secure the friendship of the Indians, who were immediately on the western frontier of his government, he sent John Brikell, a physician, to meet them. The doctor sat off in the latter part of February from Edenton, attended by a company of ten men and two Indians as huntsmen and interpreters. The detail of his journey affords an accurate idea of the state of the country, at that time. He had provided himself with fire arms, ammunition, horses, two mariner's compasses, rum, salt, pepper, Indian corn, and other necessaries. After they had passed the plantations of the whites, they camped every evening an hour before sunset, tied their horses to trees, which they made the Indians climb up to procure a sufficient quantity of moss for the horses, and to make beds for the men. They then sent the Indians to hunt, and, in the mean while, made a large fire of broken limbs of trees, which they found plentifully scattered through the woods; they piled them up, in order to continue burning all night, to prevent wild beasts or pernicious insects from approaching them or their horses.

As soon as the Indians had discharged one or two shots, and given signal of their success by hallowing, some of the party were despatched to their as-

sistance to bring to the camp the game they had killed: and they seldom returned without more than a sufficient quantity of venison, wild turkeys and other game, for the support of the whole company. When thus supplied with meat, they roasted and boiled a portion of it for supper, parched some Indian corn to serve instead of bread, and sat down to their meal with good appetite, whetted by the keen air; their tables, dishes and plates being the bark of trees. Supper being over they made a large gourdful of punch, and, when disposed to rest, lay on beds of moss near the fire, the company keeping a constant watch by turns, every four hours. After a journey of fifteen days, they reached the foot of the mountains, without having met any human being on their way, since they had left the settlements of the white people. On their approach, they were discovered by a party of the Iroquois Indians, a powerful nation, continually at war, and wandering between the gulf of Mexico and the river St. Lawrence. As soon as they perceived the doctor's party they disappeared, and gave notice to their chief, who despatched one of his captains, painted as red as vermillion, with a strong guard, armed with bows and arrows. When the party came in sight of the doctor's camp, which was in the middle of a large savannah, they halted, and the leader, attended by one Indian, advanced, holding a green bough in his hand. He gave the doctor to understand that he was sent by his chief, who desired to know whether the white people came for peace or war, or what other business had brought them hither. The doctor informed him,



through one of his interpreters, that his views were friendly, that he had no other object than to cultivate a good understanding and view the country. On receiving this answer he sat down and despatched the Indian, who had approached with him, to convey the doctor's answer to the chief. The doctor regaled his guest with punch, and made him a present of a few toys, with which he appeared much pleased. On the return of the Indian, his messenger, he went to meet him at a small distance, and receiving his message, returned to inform the doctor, that it was the wish of the chief that his party would pay him a visit, assuring them of his friendship. The doctor and his men were at first unwilling to comply, fearing some untoward consequence might attend the acceptance of this invitation: at length, encouraged by the assurances their guest gave them of the sincerity of the chief's friendship, they consented to visit him, determined on defending themselves to the last extremity, in case any violence was offered. They marched, attended by all the Indians that had come out, and towards six o'clock reached the Indian town; and were conducted to the state house, where the chief and his war captains were met to receive them. On their entering they all rose, and the chief placed the doctor near him: he enquired into the motives of the journey of his party, and after the health of his brother, meaning the governor of the whites. On receiving the doctor's answer, he welcomed him and his companions, shaking every one of them by the hand, assuring them of his great regard, and of the friendship he entertained for their nation.

Some punch was made for the chief and his captains, and a few knives and glass beads were presented him, which proved so highly acceptable that he gave orders to all his people to treat his guests in the most friendly manner, and supply them with whatever they had occasion for, while they chose to tarry among them: they were conducted to one of the chief's houses, which had been prepared for their reception, where they lay upon benches, covered with bear-skins. The Indians took particular care of their horses, and supplied the doctor and his men, with venison, wild fowls, fish, various kinds of dried fruit, pulse and water, no stronger liquor being to be met among these people.

The chief's houses were in the center of the town; the rest of the buildings being erected in a confused order, without any regular streets, shops, or any handicraft trade being found among men.

The news of the arrival of the doctor, brought a number of men and women around him, and, also, boys and girls, who were stark naked. These would come to the white people, touch their clothes and gaze on them; with admiration and wonder.

The chief endeavored to amuse his guests, by making men and women dance before them, and the lads shoot with bows and arrows, and perform their warlike exercises. The doctor finding himself in favor with his host, requested a sight of his *quiogoso*n, or chamel house, and was indulged; he observed it was the largest he had ever beheld.

Having spent two days in town, the doctor begged the chief to permit him to depart, which was reluctantly granted; he presented him with a bottle of rum, and was forced to accept, in return, some venison, Indian corn and dried fruit. The Indians accompanied their visitors about half a mile out, and took leave, wishing them health, and entreating them to call again, on their return. The party proceeded westwardly, and at eve, reached the top of a high mountain, where they halted. They found it difficult to provide, for their horses, the moss, which had, hitherto, nourished them, not being to be found on the mountains. They made a large fire, and gathering the withered leaves together for their beds, went to sleep. The next morning, they started very early, and setting forward, they reached, at eve, the western side of the first ridge of mountains, and got into an even beautiful valley, adorned with woods and savannahs, of a very rich soil. Here they encamped that night, after having made the longest day's journey, since their first setting out; for the country they had traversed was barren, and destitute of running water, having met none but what was found by chance, in the hollow parts of the rocks, which was so bad that the horses would not drink it. The next morning, they set forward, with great cheerfulness, having plenty of water and all kinds of provisions. They met with an Indian in the woods, who, as soon as he espied the party, fled, and, notwithstanding they endeavored, by calling him, and making signs, to induce him to stop, he soon disappeared. After

two days' journey, they reached another ridge of rocky mountains, with large trees in several places, and little or no pasture, like the former; much higher, and having a beautiful prospect of large woods and forests, as far as the sight could extend: hence, they returned eastwardly and, in thirty-two days, reached the settlements of the white people.

Early in the month of April, the chief warriors of the Cherokee towns met Sir Alexander Cumming, at the place appointed, and acknowledged king George, for their sovereign lord, and, on their knees, promised fidelity and obedience to him. Sir Alexander, by their unanimous consent, appointed Moytoy, commander in chief of the Cherokee nation, and the warriors of the different tribes, acknowledged him for their king, and promised to be accountable to him, for their conduct. Sir Alexander made several useful presents to the Indians, and the congress broke up to the satisfaction of all. The crown, or diadem of the nation, which consisted of five eagle-tails and four scalps of their enemies, was brought from Tennessee, their chief town, and Moytoy presented it to Sir Alexander, desiring him, on his return, to lay it at the feet of his sovereign; but at his request, the Indian king deputed six of his warriors to carry it to England, and there do homage with it to the king. They accompanied Sir Alexander to Charleston and embarked on board the Fox ship of war.

Governor Burrington met the legislature, according to his proclamation, at Edenton, on the 13th of April. In his speech, at the opening of the session, he informed the house, he had the king's commands to recom-

mend it to them, to settle an adequate and permanent revenue on the king and his heirs, for defraying the necessary charges of government in the province; to allow a salary to his governor, suitable to the dignity of his office; to make provision for defraying the expenses of the members of the king's council and the house of assembly, and the emoluments and fees of the officers employed in the administration of justice. The lower house did not recognize, in this catalogue of requisitions, any of the advantages, which the people had been taught would attend the change of ownership: they were not prepared to receive it with complacency, and but little attention was paid thereto.

Justice now began to be administered in the king's name, and Cullen Pollock, George Martin and Isaac Hill, were appointed assistant justices of the supreme court. Chief justice Smith did not recognize his American brethren, as persons whose opinions were to have much influence in forming the judgment of the court. He contended that, as his commission gave him "full power to hold the supreme court of the province," he needed no assistant in the exercise of that power. He was willing to allow them to sit on the bench, provided they would confine themselves to yielding their advice, as the master of the rolls and sometimes the chief justice of England *assist* the lord chancellor. Perhaps, his displeasure arose from their being persons appointed by governor Burrington between whom and himself, a considerable misunderstanding subsisted. The chief justice charged the governor with attempts to screen from punishment, several officers, who had been guilty of great abuse

and oppression, under the late administration, and he even insinuated that the governor had shared the profits of their ill practices.

On the 30th of June, the Fox ship of war, on board of which Sir Alexander Cumming and the six Cherokee chiefs had embarked, arrived at Dover. They proceeded to London, were introduced to the king, and laid the regalia of their nation at the foot of the throne. Considerable presents were made to them, of cloth, guns, shot, vermillion, flints, hatchets, knives, &c. They entered into a treaty, by which they submitted themselves and their people, to the sovereignty of the king and his successors: they engaged not to suffer their people to trade with any other nation than the English, nor to permit white men of any other nation to build forts or cabins, or plant corn among them; and, in case any such attempt was made, to give information of it, to the king's governor, and do whatever he would direct, for the maintenance and defence of the king's right to the country. They engaged to apprehend runaway negroes and deliver them to their owners or the governor; a gun and watch-coat were agreed to be given them, for every negro they apprehended and brought back. Provision was made for the punishment of any Englishman killing an Indian, and the surrender of any Indian killing an Englishman, was stipulated. They were sent back, in the ship which had brought them, and met their countrymen, with the highest idea of the power and greatness of the English nation, and not a little pleased with the kind and generous treatment they received.

The animosity which subsisted between chief justice Smith and governor Burrington, continuing to increase, the former, fearing likely at the meeting of the council in the spring of the following year, that the latter would exercise the power he had, of suspending him from his seat at that board, sailed for England, with private instructions from the council, and laid their complaints against the governor, at the foot of the throne.

At the third session of the parliament, which was convened on the accession of George II. to the crown, a statute, of importance to the Carolinas, was passed. Rice having become the principal staple commodity of the southern province, and of that part of the northern which borders on the river Cape Fear, the regulation which required that species of produce to be landed in Great Britain, before it could be shipped to any other part of Europe, had been found extremely burdensome. This commodity, being bulky, could not well bear a double freight, and the circuitous route to which it was confined, before it could reach the countries, in which there was the greatest demand for it, often prevented its arrival at market, in as seasonable time, and in as good condition, as that from other places, less distant, and from which, it was more immediately shipped. To remedy this evil, permission was granted to the king's subjects, of transporting rice from the Carolinas, to the ports of Europe, to the southward of cape Finisterre, in vessels built in Great Britain, or owned by the king's subjects, residing there, navigated according to law, and clearing out, in any port of Great Britain, for the Carolinas. Persons availing themselves of this facility, were compelled to give



bonds that no tobacco, sugar, cotton, wool, indigo, dye woods, molasses, tar, turpentine, hemp, masts, yards, bowsprits, copper ore, skins or fur, would be exported with the rice.

During the summer, governor Burrington visited the settlements of cape Fear, which began to extend to some distance along the stream and its branches; he returned to meet the legislature, in the town of Edenton, where he arrived on the 3d of November. He repeated his requisitions, and found the lower house totally unwilling to grant them. He, shortly after their meeting, prorogued them, observing he refrained from laying any business before them, on account of the indisposition, which they manifested, to comply with the king's wishes; that he judged it improper to proceed upon business with them, until he received the king's commands, having laid before him the undutiful behaviour of the lower house last year, and concluded by assuring them that, in the mean while, he would take good care that the business of the province should be faithfully conducted, and good order preserved.

The Irish, obtained this year, a statute of the British parliament, allowing the exportation of non-enumerated commodities, from the king's American colonies to Ireland.

Rope-walks, having been established in some of the northern provinces, and most of their shipping being supplied with cordage of their manufacture, measures were taken in parliament, to depress these rising establishments, and it was enacted, that no drawback should be allowed on foreign unwrought hemp, exported to the American colonies.

In the latter part of the month of November, the precinct of Carteret, was divided by an act of the governor in council, and the western part of it was erected into a new precinct, called Onslow, in honor of Arthur Onslow, speaker of the British house of commons.

With a view to the farther security of the province of South Carolina, and the relief of indigent people in Great Britain and Ireland, the settlement of a new province, between the rivers Savannah and Alatamaha, was projected in England. Public spirit and private compassion conspired in the promotion of this excellent design, several persons of humanity and opulence united and formed a plan for raising money for transporting poor families, to this part of America, and on the 9th of June, obtained a charter of incorporation: the new province was called Georgia, in honor of the king, who greatly favored the undertaking. The corporation, which consisted of twenty-one persons, was styled the trustees for settling and establishing the colony of Georgia.

In the month of November, one hundred and fifty settlers, led by James Oglethorpe, one of the trustees, embarked, at Gravesend, for Georgia.

The facility with which furs were procured in most of the American provinces, the trifling stock, the cheap apparatus, which are required in the manufacture of hats, had induced some of the colonists to employ their time and industry in this branch of business. Its success had been considerable, and the exportation of American made hats, to the West India islands, Portugal and Spain, became so extensive as to give great uneasiness to, and consequently excite the clamours of the company of hatters in London. In order to check the

enterprising spirit of the Americans, in this respect, parliament forbade the exportation of hats from the continental provinces, to the West India islands and from one province to the other, and made other severe regulations: no person was allowed to work at, or carry on, this kind of manufacture, without having served an apprenticeship of seven years; no master was allowed more than two apprentices at the same time, or to employ any negro. The statute had the intended effect, it considerably prevented the establishment or employment of hat manufactures for distant sale, and confined the industry of the colonists, in this respect, to very narrow limits. To guard against the partiality of a jury of the vicinage, the heavy penalties, by which these regulations were enforced, were made recoverable in any of the provinces, or in any part of Great Britain, in which the defendant might be convicted, or the goods brought and seized.

For assisting British creditors, in the recovery of the debts due them in America, a statute was passed this year, authorizing the admission of *ex parte* testimony; taken before the mayor, or chief magistrate of any city, borough, or town corporate, in Great Britain, and lands and houses were made liable to seizure and sale, as goods and chattels.

Frederick V. of Denmark, purchased the island of St Croix, from Spain, in 1733.

In the month of April, a new precinct was established, by a resolution of the governor and council, and called Edgcombe, and in the month of October, the precinct of New Hanover was divided, and the western part of it erected into a new one, by the name of Bladen, in compliment to Martin Bladen, one of the lords commissioners of trade and plantations.

In the spring, chief justice Smith returned from England, and soon after, the governor took his departure, under the pretence of a visit to South Carolina, from whence he sailed for London, in the month of April. The administration of government devolved on Nathaniel Rice, the secretary of the province, who was the councillor, first named in the king's instructions, as president and commander in chief; he qualified at Edenton, on the 17th of April.

During the absence of the chief justice, John Palin, presided, for some time, in the supreme court of the province, and was succeeded by William Little, with whom, John Worley, William Owen, Mackara Scarborough and William Badham, sat as associate justices.

Great Britain took no part in the war, that began in 1733, between France and Austria. The minister, depending on the pacific temper of Cardinal de Fleury, whom war too much perplexed by the difficulties of the time, to reap too great an advantage, from the first success of the French arms.

*Chalmers—Brickley—History of S. C.—Records.*

## CHAPTER II.

**P**RESIDENT Rice's administration was of very short duration, for, during the summer, Gabriel Johnston was appointed governor of the province.

This gentleman was a native of Scotland, and had received his education in the university of St. Andrews : he had spent a few years in the acquisition of medical knowledge, and soon after his reaching manhood, was appointed professor of the oriental languages, in the seminary in which he had been reared. This office being a mere sinecure, he removed to London, where he was employed in writing some numbers of "The Craftsman," a periodical paper, supported by the ablest political writers of the day, (lord Bollingbroke and Mr. Pultney being of the number,) in which the measures of the administration were attacked with equal animosity and argument. On the succeeding change in the ministry, governor Johnston had obtained his appointment principally through the recommendation of Spence Compton, baron of Wilmington.

He arrived in the river of Cape Fear late in October ; on the second day of November he took the oaths of office, at the court house of the precinct of New Hanover, in the town of Brunswick, and shortly after met the legislature at Edenton. He communicated to them, in his speech, at the opening of the session, the king's de-

sire, that provision should be made for an adequate and permanent revenue for the support of the government of the province, and for a fixed salary for the chief magistrate, for the time being.

The bills of credit which had been emitted in 1729, under the authority of the lords proprietors, were stamped and exchanged, and their future circulation limited to a period of ten years; a duty on liquors was laid, for the support of government; and the poll tax, on the poorer inhabitants of the province, was lessened; the qualifications of the electors and of the members of the lower house were defined; new regulations were made for the improvement and extension of roads; the precincts of Onslow and Bladen, which had been established by an order of the late governor in council, were confirmed, and a grant of fourteen thousand pounds was made to the king, for the service of the province, and for the more immediate payment of part of it, an emission of bills of credit, to the amount of ten thousand pounds, was directed; provision was made for defraying the expenses of the council and assembly, but none for the support of the chief magistrate.

In the course of the following year, a court of exchequer was established: it held its first session at Newton, a small village lately built on Cape Fear river, on the 13th of May: chief justice Smith was appointed chief baron, and James Innes and William Forbes, barons.

It does not appear, that there was any meeting of the legislature, in the course of the year 1735.

The war, which had lately commenced, and was now carried on with great fury, by the united powers of France, Spain and Sardinia, against the emperor,

threatened the tranquility of the other European powers ; and although the king of Great Britain was in no ways engaged in it, his subjects could not be regardless of the passing events, or unconcerned for the future consequences of a war, undertaken and supported by so powerful an alliance. The situation of the southern British provinces in America, excited a lively degree of alarm ; to the south and south-west was situated the strong castle of St. Augustine, garrisoned by four hundred soldiers, who had several nations of Indians in their subjection, besides several other settlements or garrisons, some of which were not eighty miles distant from the province of Georgia. To the south-west and west, the French had erected a considerable town, near fort Conde, on the river Mobile, and other forts and garrisons, some not above three hundred miles distant from the settlements in the province of South Carolina, and at New Orleans. Since the conclusion of the war under queen Anne, they had increased their trade and traffic, and had now many forts and garrisons on both sides of the Mississippi, for several miles up that river ; and since the king of France had taken the government of the country from the Mississippi company, the French from Canada came daily down in shoals to settle along the river, where regular forces had lately been sent to strengthen the garrisons ; they had five hundred men in pay, constantly employed as wood rangers, to keep their neighboring Indians in subjection, and to prevent those at a distance from coming on and destroying their settlements ; they had been so successful in their intrigues, that they had completely under their control and influence the numerous nations of Indians that dwelt near the Mississippi ; one of them, the Choctaws, who were al-



ways deemed a very warlike people, and who were able to bring into the field five thousand warriors, was at the distance of four hundred miles only from the back settlements in the province of South Carolina; among them, as among several other nations of Indians, many French Europeans had been sent to settle, and were encouraged by their priests and missionaries to take Indian wives, and other alluring means were used, the better to attach the Indians to the French alliance. Thus the French had become thoroughly acquainted with the Indian mode of living, warring and dwelling in the woods; and a great number of them were among the Indians, able to perform a long march with an army of those people, upon any expedition.

There was room to apprehend, that, in case the measures of France should provoke Great Britain to a state of hostility in Europe, the French and Indians on the Mississippi settlements, would invade the Carolinas and Georgia.

They had already paved the way for a design of this nature, by erecting a fort, called the Alabama Fort, or Fort Toulouse, in the middle of the upper Creek Indians, upon a navigable river leading to Mobile, which they kept well garrisoned and mounted with fourteen pieces of cannon; they had lately attempted to build one nearer the British settlements. The upper Creeks were a bold and active nation, and had about twenty-five hundred warriors; they were about one hundred and fifty miles distant from the Cherokees, and although the British had heretofore traded with, and looked upon them as in their alliance, yet the French, on account of the fort, and a superior ability to make them liberal presents, had been for some time too successfully striving to draw

them to their interest, and had effected their purpose with some of the towns : they were the only nation which the southern provinces could consider as a barrier against the attempts of the French, or their confederate Indians.

Hitherto the French at Mobile, unable to gain the Indians to their interest, without buying their deer skins, the only commodity which the Indians had to procure necessities with, and having no means of disposing of them in France, had found means to encourage vessels from the British provinces, particularly from New York, to truck the skins with them for Indian trading goods, especially the British woollen manufactures, which they disposed of to the Creeks, Choctaws, and other Indians, by this means alienating them more easily from the British interest.

Besides the many dangers to which the southern provinces were exposed, from so many enemies in rear of their settlements, their sea coast was in the most defenceless condition, their ports and harbors, lying open to the invasion of any enemy by sea, there not being in any of them a fortification, capable of making much resistance.

Governor Oglethorpe, having brought a number of heavy guns with him, began to fortify the province of Georgia, at the place which is now known as the town of Augusta, he erected a fort on the bank of the river Savannah, excellently situated for protecting the Indian trade, and holding treaties with several of the nations of the Indians ; on an island, near the river Alatomaha, another fort with four bastions was erected, and several pieces of cannon mounted in it ; the place was called Frederica ; ten miles nearer the sea, a battery was raised,

commanding the entrance of the sound, through which all armed vessels must come, that might be sent against Frederica. To keep garrisons in these forts, and reimburse the expenses of their erection, parliament made a grant of ten thousand pounds.

While governor Oglethorpe was thus employed in fortifying the province under his command, he received a message from the Spanish governor at St. Augustine, acquainting him that a commission from the king of Spain had arrived there from Spain, in order to make certain demands of him, and would meet him at Frederica, for that purpose. A few days after, the commissioner came to Georgia by water, and governor Oglethorpe, unwilling to permit him to proceed to Frederica, sent a sloop to convey him to Jekyl sound. Here he unfolded the object of his mission; it was to summon the governor, in the name of the king of Spain, to evacuate the country, to the thirty-third degree of north latitude, which his master claimed, and to which he was determined to maintain his right. The governor endeavored to convince him that the king had been misinformed, but to no purpose: the instructions of the commissioner were peremptory, and the conference broke up without their coming to any agreement.

Governor Johnston met the legislature on the 21st day of September, in the town of Edenton. In addressing the houses, he began by bewailing the deplorable situation of the province, in which no provision existed for keeping up the sense and awe of the Deity on the minds of the people, nor any care was taken to inspire the youth with generous sentiments, worthy principles, or the least tincture of literature—in which the laws were diffused up and down, in different places,

on loose papers, many of them contradictory, others unintelligible, appearing under ridiculous titles, couched in a childish style, and offending the common rules of grammar. He observed, that from the best and plainest of these laws, the vilest malefactors, not only might, but did actually escape, with impunity, on account of the insufficiency of the jails. He besought the members of both houses, to consider themselves as the representatives of such a country, possessing the power and means, and earnestly solicited to remedy these calamities, and then laying their hands on their hearts, think how they could answer it to God and their own consciences, if they neglected the opportunity of relieving the province, or suffered themselves to be diverted from it by the arts of designing men. He complained of the insufficiency of the militia law, and recommended to the consideration of the houses, the propriety of giving encouragement to a direct trade with Great Britain.

He complained of notorious untruths and impudent falsehoods, which, with a design of keeping the country in confusion, had been industriously propagated by a party, remarkable for nothing more than their indefatigable efforts in spreading the basest calumnies, and for their want of shame when detected. He flattered himself, he had no occasion to say much on this subject, because it was pretty well known, that if those men had been permitted, as in former times, to injure the king's revenue, and oppress their fellow subjects, the province would not have been troubled with their complaints. He wished every planter would bring the matter home to himself, make the case his own, and suppose that in the late times, when no legal title could be obtained,

he had sat down with his family on a vacant tract of land, and with great expense and labor, built upon and cultivated it for several years, and after all a person (unacquainted, perhaps, with the bounds of the tract, but by the survey the occupant had paid for) and with an insolent air, by virtue of a patent, which, likely, a few hours before was a blank sheet of paper, rob him of his land, and of the fruit of his labor of so many years. After asking whether there would not be just and real cause of complaint, against a government which would connive at proceedings like these; he observed, that the case he had put, was not an hypothesis, but had actually happened several times, and no one could tell how often it would have happened, if a seasonable stop had not been put to it. He said that, for his own part, he thought he might say, without vanity or ostentation, that he had been at great expense, and even risked his health, to do justice to the people, by going on the spot to hear their different pretensions, and, on all occasions, relieving the poor industrious planter, from the oppression of his more powerful and crafty neighbor; and as he heartily despised the poor, trifling efforts of those men, to his prejudice, as well as the scandalous method they took to make them effectual, if any artifice should prevail with the houses, to lose this favorable opportunity of settling the country, he would still have the satisfaction of reflecting, that he had performed his duty. He concluded by observing, that as he had been obliged by his instructions, vigorously to maintain the rights and just revenue of the crown, he should be glad, on all occasions, to show a tender regard for the privileges, happiness and liberties of the people, not being apprehensive, that they were in the least inconsistent with one

another. The address of the upper house echoed the sentiments in the speech; the members did not, however, all approve of it; two out of six, Cullen Pollock and Edward Moseley, prayed leave to enter their protest against the address, but the house did not allow it. The address of the lower house has not reached us, it is believed to have been of a different complexion; both houses continued in session during three weeks, without any bill of importance being introduced. On the 12th of October, the governor came to the upper house, and sent a message to command the attendance of the lower; they declined coming up, and the message was reiterated, without success. The governor then prorogued the legislative body, without having had any bill presented for his assent.

A considerable contraband trade was carried on by the British American colonies, with the Spanish dominions; remonstrance having been often made, without success, the court of Madrid increased their *guardas costas*, and the most rigorous orders were given to the officers commanding them. In consequence of these, British vessels were often stopped, carried into Spanish ports, sometimes detained for examination, and at others condemned. A committee of the merchants of London, trading to America, presented a petition to the king, beseeching his interference in this respect.

With a view to give encouragement to British manufactures, parliament passed a statute requiring every vessel, built in America, to be supplied, on her first sailing out, with a complete suit of sails, made of British sail cloth

This year, commissioners appointed by the legislatures of North and South Carolina, began to run the dividing line between the two provinces. The king had fixed its beginning at the north-east end of Long bay, and directed it to run thence, north-westwardly, to the thirty-fifth degree of north latitude, and thence, westwardly, to the south sea. It was run to the distance of sixty-four miles, and it was agreed that the eastern and northwestern frontiers of the lands of the Catawbias and Cherokees, should, till the line was further extended, be considered as the dividing line of the provinces.

The extension of the population of the province, towards its southern boundary, and the width of Albemarle sound, rendering the attendance of the members of the legislature at Edenton, inconvenient, the general assembly was convened at Newbern, on the sixth of March.

A poll tax of five shillings per head on all the titheable inhabitants of the province was granted to the king, and regulations were adopted to prevent frauds in the assessment and collection of taxes. Two thousand pounds sterling were appropriated for the building of a jail and also, an office, for the safe keeping of the records of the general court, in the town of Edenton, and for the repairing the court-house; circuit courts were appointed to be holden in the town of Newbern and village of Newton, on the river of Cape Fear. An act was passed for providing a rent roll and securing the king's rents, for the remission of the arrears of quit rents, for quieting the inhabitants in their possessions, and for promoting the better settlement of the province: it was, however, repealed by the king's order in council.

The population of the province having much increased, and being spread through a vast territory, often in distinct settlements, scattered at a great distance from each other, and sometimes separated by a trackless wild, the inconvenience of having the fiscal affairs, and the ministerial duties in the judicial department, under the direction of a single individual, began to be severely felt. His deputies not only often neglected, but at times absolutely refused, to perform their duties; their conduct in many other respects, occasioned great murmurs, discontents and a delay of justice, greatly injurious to the tranquility and prosperity of the province. This evil was remedied by the abolition of the office of provost marshal of the province, which Robert Holton, a member of the king's council, had held since the arrival of governor Burrington: the loss which this gentleman was to sustain, by the abolition of his office, was compensated by a sum of two thousand pounds sterling. The primary division of the province, into the three counties, Albemarle, Bath and Clarendon, was abolished, and the precincts were denominated counties; a sheriff was directed to be appointed in each, chosen by the governor out of three persons, recommended by the county court, out of their own body; the office was made biennial. Provision was made for facilitating the navigation of the principal rivers, for placing buoys and beacons in the main channels, and procuring skilful pilots; regulations were adopted for the preservation of game, and the destruction of vermin; a town was established on the west side of Matchapungo river, in the county of Hyde and called Woodstock.

As the sovereigns of Great Britain and Spain, were both anxious for peace, their differences were soon ad-

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justed, and a preliminary treaty was signed in London, on the 9th of September, Spain agreeing to pay ninety-five thousand pounds sterling, as a compensation for the depredations, committed by her subjects on the commerce of Great Britain in America. Whether the Spanish minister had deviated from his instructions, or whether, as is more likely, the cabinet of Madrid, seeing the facility with which that of London had yielded to an accommodation, repented of its too easy concession, and sought to obtain better terms, Philip, in ratifying the treaty, insisted, as an indispensable condition of his signature, that the sum of sixty-eight thousand pounds sterling, which were due him by the British company of the Assiento, should be accepted in part of that, stipulated by the treaty.

The court of London complained of this condition, as an infidelity; and after the reproaches usual on such a circumstance, a new negotiation was begun on the 10th of January: it concluded by a vague agreement, that in case the company of the Assiento should not satisfy the Catholic king, he would be at liberty to suspend their privilege, and four days after, a treaty was signed at the Pardo, by which it was agreed, that until measures could be taken to conciliate the interest of the two nations, and ascertain the true boundary between the provinces of South Carolina and Georgia, and that of Florida, all acts of hostility should cease in America, and that neither the Spanish nor the English would erect any fortification on, or occupy any new part of the disputed ground: the king of Spain promised to pay eighty-five thousand pounds within four months, and the king of Great Britain to satisfy the claims of his subjects on Spain, for spoliation. These terms excited a general

indignation in England; the merchants exclaimed against the smallness of the sum, and the nation, trusting on her strength, hoped to be able to reduce Spain to allow a continuance of what she called an illicit trade. Parliament, biassed by the general wish, seemed disposed to contest the prerogative of the crown, in making peace or war.

The ministry, intimidated, discovered no other means of calming the public mind, than a seeming dereliction of the treaty of the Pardo: they suffered to remain in the Mediterranean, the fleet which had been agreed to be withdrawn, and instead of giving orders for the suspension of hostilities in America, dispositions were made for sending new forces thither. As every thing announced an approaching war, Philip was in no hurry in making the stipulated payment, and George, pleased with a pretence to gratify his subjects, complained of an infraction which was so welcome to him, and pretending great anger, granted letters of marque against Spain.

No business of importance came before the general assembly, which was convened at Newbern, early in the year. Newton, a small village, conveniently situated near the confluence of the two branches of Cape Fear river, where several merchants and tradesmen had settled, invited by the depth of the water, which allowed the approach of vessels of considerable burden, was now established as a town, and the name of it altered to that of Wilmington, in compliment to the earl of Wilmington, the nobleman to whose protection, it has been observed, governor Johnston was chiefly indebted for his office. The privilege of sending a member to the lower house of the legislature was extended to the new town: the collector and naval officers of Port Bruns-

wick, the clerk of the court, and the register of the county of New Hanover, were directed to remove their offices thither.

A formal declaration of war against Spain, was signed by the king on the 19th of October, and four days after was proclaimed with great solemnity throughout the city of London. Admiral Vernon was sent to take the command of a squadron on the West India station, with orders to act offensively against the Spanish dominions in that quarter, and governor Oglethorpe was directed to annoy the subjects of Spain in Florida, by every means in his power : he immediately determined on an expedition against St. Augustine, and communicated his design to lieutenant governor Bull of South Carolina, and governor Johnston. The former laid the plan before the legislature of his province, which was then in session : they voted one hundred and twenty thousand pounds, for the service of the war, and a regiment of four hundred men was raised, partly by governor Bull in that province, recruits being made in North Carolina under the auspices of governor Johnston, and in the province of Virginia under those of governor Gooch ; colonel Vanderdussen was appointed to the command of this regiment. Indians were sent for from the different tribes in alliance with the British, and Vincent Price, who commanded the ships of war on this station, furnished four twenty gun ships and two sloops. Governor Oglethorpe, having appointed the mouth of St. John's river for the place of general rendezvous, returned to Georgia, and, placing himself at the head of his own regiment, on the 9th of May passed over to Florida ; on the following day he invested fort Diego, at the distance of twenty-five miles from St. Augustine ;

after a short resistance, the commanding officer capitulated, and lieutenant Dunbar, being left in the fort with a small garrison, the governor proceeded to the place of rendezvous, where he was joined by colonel Vanderdussen's regiment, and a company of Highlanders under captain M'Intosh : but, before this time, six Spanish half galleys with long brass nine pounders, and two sloops laden with provisions, had arrived at St. Augustine, and the army, now consisting of a little more than two thousand men, regulars, provincials and Indians, moved to fort Moosa, within two miles of St. Augustine. On its approach, the garrison abandoned the fort and retreated into the town ; the governor burnt the gates of the fort, made three breaches in its walls, and advanced towards the town and castle ; he soon discovered that an attack by land upon the town was impracticable, and that an attempt to storm the castle would be precarious and dangerous ; the enemy was too well prepared to receive him ; during his stay at Fort Diego, they had drove all the cattle from the woods around the place, into the town ; the garrison consisted of seven hundred regulars, two troops of horse, besides the militia of the province, two companies of armed negroes and some Indians. The castle, built of soft stone, had four bastions, a curtain sixty yards long, and a parapet nine feet thick ; the rampart, which was twenty feet high, was casemated underneath for lodgings, arched over, and newly made bomb proof ; fifty pieces of cannon, a number of them twenty-four pounders, were mounted ; the town was, besides, entrenched with ten salient angles, on each of which some small cannon were placed.

In these circumstances, it was resolved, with the assistance of the ships, to turn the siege into a blockade,

and shut up every channel by which provisions could reach the garrison. Accordingly, colonel Palmer, with ninety-five Highlanders and forty-two Indians, was left at fort Moosa, and directed to scour the woods and intercept all supplies from the country by land; colonel Vanderdussen, with the Carolina regiment, was sent to take possession of point Quarsel, about a mile distant from the town, and erect a battery; while the governor, with his party and the greatest part of the Indians, landed on the island of Anastasia; hence he resolved on storming the town; captain Green, with one of the ships, guarded the passage by the way of the Matanzas, and with the rest the mouth of the harbor, so as to cut off all supplies by sea; batteries were erected on the island, and cannon mounted. These dispositions being made, the governor thought himself in a situation to summon the place to surrender, but the Spanish commander returned for answer, he would gladly shake hands with him in the castle. On this, the governor opened his batteries against the castle, throwing at the same time a number of shells into the town: his fire was spiritedly returned from the castle and half galleys, but the distance was so great, that though the cannonade was continued on both sides for several days, very little execution was done. It was thought of destroying the half galleys by a nightly attack, but on sounding the bar, it appeared impracticable to employ the large ships, and the galleys being covered by the cannon of the castle, to send small vessels on this service appeared too rash. A detachment of three hundred Spaniards sallied out and surprised colonel Palmer's party at fort Moosa, and cut them almost entirely to pieces: some of the Chickasaw Indians, in escaping, met with a Spaniard,

and according to their mode of warfare, cut off his head, brought it to the camp and presented it to governor Oglethorpe : he called them barbarous dogs, and angrily bid them be gone. This treatment, more humane than politic, exasperated the Indians, who loudly complained of it, observing, that if one of them had carried the head of an Englishman to the Spanish commander, he would have been differently received. The vessels stationed at Matanzas being ordered off, some small vessels from Havana, with troops and provisions, passed through that small channel to the relief of the garrison : some Spanish prisoners, taken soon after, reported, that this reinforcement consisted of seven hundred men, and the supply of provisions was ample.

The governor now despaired of forcing the place to surrender : his men were dispirited by sickness, enfeebled by heat and fatigued ; his Indians grew troublesome, the navy was short of provisions, and the season of hurricanes was approaching. Any farther attempt appearing hopeless, the siege was raised, and the governor reached Frederica on the 10th of July.

At the meeting of the legislature, on the 21st of August, in the town of Edenton, governor Johnston communicated to the two houses the instructions which he had lately received, to enlist men in the king's service, and to apply to the legislature for aid, it being expected that the troops, thus raised, would be at the expense of the province, transported to the West Indies, to join other troops sent thither, on an intended expedition against the Spaniards, and pressed them to manifest their loyalty and duty to their sovereign, by a cheerful compliance with his desire : he added, that in compli-

ance with his instructions, he had already enlisted four hundred men.

The lower house readily consented to the measure, and early entered on the consideration of the means by which a fund could be raised for this service. The poverty of the people and the great scarcity of a circulating medium rendered it impossible to collect a sum of money, sufficient for this purpose: a levy in the commodities of the country appeared to be the only effectual expedient: accordingly, a poll tax of three shillings proclamation money was laid, to be paid in tobacco, rice, Indian dressed skins, beeswax, tallow, pork and beef: the inhabitants of that part of the province, heretofore called Albemarle county, were allowed to discharge it at their option, in bills of credit, at the rate of seven pounds ten shillings for one pound in proclamation money.

As the extreme scarcity of money rendered it difficult to pay taxes, and as the bills of credit in circulation were to cease to be current within four years, the facility of paying in the same commodities was extended to the discharge of taxes, fines and forfeitures. Warehouses, for receiving the commodities were directed to be built in each county.

With a view to give greater encouragement to settlers in the American provinces, an act of parliament was this year passed, extending all the privileges of natural subjects, in the colonies, to such aliens, who, after a residence of seven years, should take the oaths of abjuration and fidelity and receive the sacrament, in some protestant or reformed congregation. The statute excuses Quakers and Jews from the last formality.

The statute, allowing bounties on the importation into Great Britain of naval stores, masts, &c. from the American provinces, which was about to expire, was continued for the further period of ten years.

In April, 1740, the merchants of Great Britain, trading to America, complained to the house of commons, of the inconvenience and discouragement brought on the British commerce, in America, by the excessive quantities of paper money then issued, and the depreciated condition thereof, for want of proper funds to support its credit. The house, by way of palliation, addressed the throne, to put a temporary stop to the evil, by instructing the governors not to give their assent to any further laws of that nature, without an express proviso, that it should not take effect, until the king's approbation was first obtained.

Early in the following year, the four hundred men enlisted in the province were transported to Jamaica : they were embarked there on board of the fleet, under the orders of admiral Vernon. This expedition had not the success which was expected, and which the superiority of the forces, employed, seemed to promise. In the month of March, the British troops possessed themselves of near all the forts and batteries which defended the harbor of Carthagena, and on the 9th of April, a grand attack was made on fort St. Lazarus : it however proved unsuccessful. This misfortune, being followed by a great mortality among the officers and soldiers, the siege was raised and the troops re-embarked on the 16th. However, all the castles and forts which guarded the harbor were demolished ; six ships of war, as many galleons, and all the other ships in the harbor, were burnt



or destroyed, and many hundred guns carried away or rendered useless.

The legislature met at Edenton early in the spring ; its attention was taken up by objects of internal policy. The county of Edgecombe, which had been erected by an order of governor Burrington in council, was confirmed by law ; a town was established on Mitten point, on the south side of New river, in the county of Onslow, to which, in compliment to the governor, the name of Johnston was given ; an ecclesiastical division of the province into fourteen parishes took place, and the election of churchwardens and vestrymen was regulated ; provision was made for the erection of churches and procuring ministers ; an act was passed, accurately defining the rights and duties of master and servant, for the apprehension of fugitives, and the trial and punishment of slaves, and some restraint was laid on the emancipation of them.

Few sessions of the legislature had ever been productive of so many useful acts ; laws were made concerning marriages ; to prevent usury ; to ascertain the damages on foreign bills ; for the suppression of immorality : the improvement of roads and inland navigation ; to prevent the stealing of cattle, boats and canoes ; the regulation of weights and measures ; the speedy and cheap trial of small causes ; the regulation of taverns and restraint of tippling houses ; and the relief of prisoners.

The settlements on Cape Fear river had become so considerable, that in the latter part of this year, the legislature was convened at Wilmington : the session was but of short duration : the county of Bertie was divided, and the upper part of it established as a

new county, to which the name of North Hampton was given; an act was passed for establishing ports, or places of delivery and shipping of merchandize, imported or exported; and to prevent the clandestine running of goods, which was soon after repealed, experience having shown, that its effect was to drive a considerable part of the trade from the province to Virginia.

Disturbances occasioned, in Massachusetts, by the abuses introduced by a banking company, in that province, induced parliament to pass a statute, prohibiting the establishment of banks, in the British colonies, on the continent.

Although the territory granted, by the second charter of Charles II., to the proprietors of Carolina, extended far to the south west of the river Alatomaha, the Spaniards had never relinquished their claim to the province of Georgia: their ambassador at the British court, had even declared, that his master would as soon part with Madrid. Admiral Vernon had so much occupied their attention, in the West Indies, that they had not been able to bestow much of it on the recovery of that province. But, as soon as the admiral returned home, they began their preparations for dislodging governor Oglethorpe. With this view, don Antonio de Rodondo, embarked at Havana, with two thousand men, under the convoy of a strong squadron: the expedition reached St. Augustine in the month of May.

Governor Oglethorpe, having had early information of their approach, sent to governor Glen, of South Carolina: in the meanwhile, he made every preparation at Frederica, for a vigorous defence; and his Indian allies, who were greatly attached to him, soon crowded to his camp; and a company of Highlanders joined him, at the

first notice. The inhabitants of the southern part of the province of South Carolina, deserted their habitations, and, instead of joining the forces in North Carolina, flocked to Charleston, with their families, slaves, and most valuable effects. It was then determined to fortify the town, and abide in a posture of defence. A want of confidence, in governor Oglethorpe's military talents, produced by his unsuccessful expedition against St. Augustine, recommended this measure. It was not thought, that, on the event of the governor being crushed, the reduction of Georgia would open an easy access to the enemy, into the heart of South Carolina, the force of the two provinces, becoming, by its division, unequal to the defence of either.

In the latter part of June, thirty-two sail, under the orders of don Manuel de Montanio, brought don Antonio de Redondó, and his two thousand men, reinforced with one thousand more from St. Augustine. The fleet anchored off Simore's bar and came in with the tide, into Jekyl sound. Governor Oglethorpe, who was at Simore's Fort fired at them as they passed: they returned his fire, and proceeded up the river Alatamaha, out of the reach of his guns. Among their forces, was a regiment of negroes, the officers of which, decked in lace, bore the same rank as the white officers, and, with equal freedom and familiarity, walked and conversed, with the commander in chief. This circumstance was calculated to alarm the inhabitants of South Carolina, where, there being so many negroes, this regiment would soon have acquired such a force, as might have baffled every opposition. Unable to stop the progress of the enemy, the governor spiked the guns, burst the bombs and cohorns, destroyed his stores, and retreated to Fred-

erica. The enemy was too strong to warrant his acting otherwise, than on the defensive. He sent out strolling parties, to watch the motions of the Spaniards, while he employed his main body on the fortifications. At night, his Indians were employed, ranging through the woods, and harrassing the Spanish outposts. They brought him five prisoners, by whom, he became acquainted with the extent of the force against him. Still expecting assistance from South Carolina, he exerted all his address in gaining time, and keeping up the spirits of his garrison. For this purpose, the Highlanders were despatched to reinforce the Indians, and assist them in obstructing the approach of the enemy. His principal force did not amount to seven hundred men.

The enemy made several attempts to pierce through the woods, but met with such opposition from deep morasses and dark thickets, lined with fierce Indians and wild Highlanders, that they honestly confessed, the devil himself could not pass through them, to Frederica. Don Manuel, however, had no other prospect left: one party was sent after another, to explore the thickets, and occupy every advantageous situation. In two skirmishes, with the Highlanders and Indians, the enemy had one captain and two lieutenants killed, and one hundred men taken prisoners. The Spanish commander now altered his plan, and, keeping his men under cover of his cannon, proceeded, with some galleys, up the river, with the tide, to reconnoitre the fort, and draw the governor's attention elsewhere. A party of Indians was sent to lie in ambuscade and prevent the landing of the Spaniards. Governor Oglethorpe, having learned from an English prisoner, who effected his escape, that differences had arisen to such a height in the Spanish army,

that the forces from Cuba, and those from St. Augustine, encamped in different places, determined on a surprise of one of the camps; and, availing himself of his knowledge of the woods, marched out in the night, with three hundred chosen men, the Highland company and some rangers: he halted at the distance of two miles, and taking with him a small party, drew closer, to observe the position of the enemy. At this moment, while every thing depended on the concealment of his approach, one of his party fired his musket, ran off and alarmed the Spaniards. This treachery disconcerting his plan, the governor brought back his party to Frederica. With a view to prevent any credit to the report of the deserter, by whom he apprehended his weakness would be made known to the Spanish commander, he wrote a letter to this man, desiring him to represent Frederica to the Spaniards, as a weak and defenceless port, and induce them to come and attack it; but, if he could not persuade them to this, to use every possible artifice, to induce them to stay at least three days more where they were, as advices were received, that, within that time, two thousand men would arrive to the relief of Georgia, from South Carolina, with six ships of the line; and, above all, urged him to conceal from the Spaniards, the approach of the British fleet to St. Augustine, promising him the highest reward, if he acted his part well. This letter he gave to one of the Spanish prisoners in his camp, who, for the sake of obtaining his liberty, undertook to give it to the deserter, instead of which, agreeable to the governor's expectation, he placed it in the hands of his commander.

This letter gave rise to various conjectures: the Spanish general had the deserter put in irons, and called

a council of war, to determine on the proper steps to be pursued. Some of the officers were of opinion, the letter was written with a view to its being intercepted, and to prevent the attack on Frederica: others, on the contrary, thought the contents of the letter very probable, and recommended the dropping of a plan, which was attended with so many difficulties, and the issue of which hazarded, not only the loss of the army and the fleet, but that of the whole province of Florida. During this deliberation, three ships of war, which governor Glen had sent out, came in sight. This accident, corresponding with the letter, convinced the Spanish commander that it was no fiction; and the army was struck with such a panic, that they immediately set fire to their works, and embarked in great hurry and confusion, leaving behind several cannon and a quantity of military stores. The wind prevented the British ships from beating up the river, and, before the morning, the invaders passed them and escaped to St. Augustine.

This attack on a neighboring province, notwithstanding its failure, manifested the necessity which there was, for the rest of the provinces to place themselves in a situation to repel invasion. France could not be expected, much longer, to retain her neutrality. The natural alliance, which subsisted between the princes who filled the French and the Spanish thrones, forbade the belief, that Great Britain might long carry on the war against one of them, without his being openly supported by the other. Indeed, Great Britain and France observed each other, and each expected, that the other would soon begin the contest. The northern provinces were prepared to meet the foe. Every fortified place had been repaired and improved: the militia

were training, and no measures were neglected, to place the country in a state of defence. In Europe, great preparations were made every where. The arsenals of both nations were full of workmen, and, although each sovereign held out, as the ostensible object of his movements, the support of one of the personages, who was contending for the imperial diadem, each contemplated the probability of soon using the means, which were providing, in a different undertaking.

In opening the next session of the legislature, on the 2d day of April, in the town of Edenton, governor Johnston endeavored to impress upon the house the necessity of making preparations, against the impending danger. His representations, however, were not of much avail: they intended, only to procure an act for erecting magazines, in the several counties.

The election of members of the legislature, was regulated at this session: the qualifications, required from the electors, were a freehold of fifty acres, and six months' residence in the county. Those of the elected were a freehold of one hundred acres, and twelve months' residence. The suffrages were to be given by ballot.

The statute, allowing a bounty on the importation of naval stores, from the American provinces, being nearly expired, was, this year, continued for the term of seven years.

Three thousand families, at an immense charge to government, were transported into Nova Scotia at once, and three regiments stationed there, to protect them from the Indians.

In the following year, John, lord Carteret, afterwards earl of Granville, presented a petition to the king, praying that the eighth part of the original province of Caro-

lina, reserved to him by the act of parliament, establishing an agreement with the other seven lords proprietors, for the surrender of their interest to the crown, might be set apart, offering to resign his interest in the government and his title to the other seven eighths. The proposition being accepted by the crown, five commissioners were appointed by each party, for making the division. The territory allotted to him was bounded on the north, by the line separating the provinces of Virginia and North Carolina; on the east, by the Atlantic ocean; and on the south, by a line, drawn westward, to a point on the sea shore, in latitude thirty-five degrees and thirty-four minutes, and, agreeably to the charter, on the west, by the Pacific ocean. Shortly after, a grant of the eighth part of Carolina, together with all yearly rents and profits arising from it, to John, lord Carteret, and his heirs, passed the great seal; but the power of making laws, calling and holding assemblies, erecting courts of justice, appointing judges and justices, pardoning criminals, granting titles of honor, making ports and havens, taking customs and duties on goods, executing martial law, exercising the royal rights of a palatine, or any other prerogatives relating to the administration of government, were excepted, out of the grant; the whole was to be holden on the payment of thirty-three shillings, and four pence, yearly, forever, with one fourth of all the gold and silver ore.

With a view to encourage the colonists, to fit out privateers, the provincial courts of vice admiralty were authorized to take cognizance of prize causes, and condemn vessels, by a statute of this year.

*Chalmers—History of South Carolina—Records.*



## CHAPTER III.

IN the summer of 1744, accounts were received that France had formally declared war against Great Britain. This was only the addition of a ceremony, and the French governor, at cape Breton, having received previous information of the intention of his sovereign, took early measures to attack the British fishery at Canseau. The island was taken, and its garrison and inhabitants made prisoners of war, on the 13th of May. This success encouraged an attempt on Annapolis, but a timely reinforcement, from the province of Massachusetts, occasioned its failure.

An avowed state of war drew the attention of the legislature to the unprotected and defenceless condition of the ports. The river of Cape Fear, from its known depth of water, seemed to invite insult and invasion. This induced the legislature, which sat in Newbern, on the 2d of April, 1745, to order the erection of a fortification on the south bank of that river, near its mouth, sufficiently large to contain twenty-four pieces of cannon, with barracks and other conveniencies. This was soon after effected, and the work was called Fort Johnston, in honor of the chief magistrate, with whom the proposition had originated.

The protection thus afforded to this part of the country, and the trade of the river, which consisted chiefly in rice, naval stores and lumber, commodities of great bulk, requiring larger vessels than could conveniently reach the wharves of Wilmington, the village of Brunswick, which lay nearer to the sea, was believed to be a spot, which in time, would become the site of a an important maritime town; with the view to aid its further settlement, it was by law, established as a town. The experience of nearly half a century has not added its sanction, to the idea of its future grandeur.

In the meanwhile, prince Charles Edward, grandson of James II., made an attempt to ascend the throne of his ancestors. He embarked on the 12th of June, on board of an eighteen gun frigate, without having acquainted the court of France, with his views, with no other preparations to conquer three kingdoms, than seven officers, eighteen hundred sabres, twelve hundred firelocks and twelve thousand louis d'or, which he had borrowed, and not one private soldier. He landed in the southwest of Scotland, where the inhabitants rose in his favor, and a piece of laffeta, which he had brought from France, serving for their royal standard, was shortly surrounded by fifteen hundred men. He led them to the town of Perth, of which he took possession: here a few Scotch lords joined him; and the army, a few days after, entered Edinburgh; from thence he proceeded to Pressonpans, where he obtained a signal victory over an army of Englishmen and made as many prisoners as he had soldiers. Carrying all before him, as far as Carlisle,

he advanced within ninety miles of London, his force being swollen to eight thousand: meeting a second British army at Falkirk, he gained a second victory, and a third on the next day: but at last he received a total overthrow at the battle of Culloden, within a few leagues of Inverness, and his whole army was dispersed. His subsequent adventures resembled those of his great grand father, Charles II. after his defeat at Worcester; wandering from place to place, destitute of all succour, skulking in forests, shifting from cavern to cavern, flying to desert islands, distressed for want of food and raiment, and closely pursued by those who thirsted after his blood, for the sake of a pecuniary reward, offered by the person who occupied his father's throne. He at last eluded their pursuits by a flight which added to his glory.

In the spring of this year, a trader of New England proposed to his countrymen, a plan for taking Louisburg, the chief city of the island of cape Breton. The proposal was generally approved, and money was raised by a lottery, for the purpose of raising four thousand men. This force was armed, provisions and transports were obtained by voluntary contributions; the command of it was given to colonel Pepperel, a merchant of Boston. The expedition embarked on the 24th of March, and arrived at Canseau on the 4th of April, where they were joined by a small reinforcement from New Hampshire. On the 23d, commodore Warren arrived with a small squadron; soon after, the troops embarked, and the naval force went to cruise off Louisburg. The landing was effected with some loss,

and in the course of the night, Vaughan, with a body of four hundred men, marched round to the northwest part of the harbor, and set fire to a number of warehouses, containing spiritous liquors and naval stores. The thick smoke, driven by the wind on the principal battery, disabling the defenders of it to distinguish objects, even at a small distance, favored the idea which they entertained, of the magnitude of the assailant force, induced them to abandon the fort, and seek refuge in the town. In the morning Vaughan, with thirteen men only, entering the battery, defended it until a reinforcement came to his support. While these approaches were making by land, the ships cruised off the harbor, and captured a ship of war, having on board a reinforcement of men and stores, for the besieged garrison. Soon after, an unsuccessful attempt was made on the island battery, in which sixty men were killed and one hundred and sixteen made prisoners. Works were erected on a high cliff, at the lighthouse, which much annoyed the island battery: preparation were making for a general assault, when the town surrendered on the forty-ninth day of the siege. On the 16th of June, the whole island was in the possession of the besiegers.

The legislature, in the course of this year, sat at Newbern in June, and at Wilmington in December; both sessions were short. Attempts were made to put the militia in a situation to be of some service; the counties of Craven and Edgecombe were divided, the western part of the former was erected into a new county, to which the governor's name was given, and the northern part of the latter, into ano-

ther, which, in compliment to the nobleman, owner of the soil, was called Granville. Hitherto, the northern counties had claimed and enjoyed the privilege of sending five members to the lower house of assembly, while those of the other parts of the province, all of which were much larger, and many of them of a much greater population, sent but two. This distinction was abolished: every county was declared entitled to the latter number and no more. The right of the towns of Edenton, Bath, Newbern and Wilmington to one representative each, was recognized. The speaker and fourteen members were declared a quorum.

The extension of population, towards the southern and western parts of the province, leaving the town of Edenton at a considerable distance from the center of the settled part of the province, the supreme court of judicature, was removed from thence to the town of Newbern. A new court law was passed: the general court was composed of a chief and three associate justices. Courts of oyer and terminer, assizes and nisi prius were to be holden at Edenton, Newbern, Wilmington and at the court house of the county of Edgecombe. The court of chancery was also directed to be holden at Newbern, and the secretary of the province to remove his office thither.

In the latter part of the year, the leaders of the adherents of the unfortunate prince Charles Edward, having perished on the scaffold, a general pardon passed the great seal, exempting from trial and punishment nineteen individuals out of twenty among the rest, on their being transported to Ame-

rica: they drew lots for this purpose. They were accompanied by a number of others, who, though they had not taken up arms, favored the prince's cause, and voluntarily shared the exile of their countrymen. A considerable number of them came to North Carolina, settled on Cape Fear river and formed the settlement in the middle of which the present town of Fayetteville now stands.

The provincial laws were in the hands of the inhabitants, on loose manuscript sheets, forming a chaos, from which information could only be obtained at the expense of much time and drudgery. To remedy this evil, the legislature, at their next session, appointed four commissioners to revise the code and print such acts, as were in form and use. This measure had been hitherto recommended in vain by governor Johnston, since his arrival, and had been long and earnestly desired by the friends of order. The commissioners, appointed, were chief justice Hall, Edward Moseley, Samuel Swann, the speaker of assembly and Thomas Barker, an eminent attorney. The contingent fund being insufficient to meet the expense of this publication, a duty of three pence was laid on every gallon of wine and distilled liquor, and four pence on every hundred weight of rice, imported from any place out of Great Britain, and so scarce was the circulating medium, that, although bills of credit were receivable in payment of this duty, it was thought necessary for the collection of it, to authorize the receipt of the articles on which it was laid, in payment.

The statute for the encouragement of the manufacture of British sail cloth, and that allowing the direct exportation of rice from the Carolinas and Georgia, to the ports to the southward of cape Finis-terre, which were now expiring, were continued for seven years longer.

The importation of tea into the American province, without paying the inland duty, was allowed; and it being judged, that the cultivation of indigo, in the colonies, might be greatly advantageous to the trade of the nation, as great quantities were used in dying the manufactures of the kingdom, the supply of which, being obtained from foreign countries, was at all times uncertain and the price frequently exorbitant, and the plant appearing to thrive in the Carolinas, there was room to hope the raising of it might, by proper encouragement, be increased and improved to such a degree, as not only to answer all the demands of the king's subjects, but considerable quantities might also be exported to foreign markets; a bounty of six pence per pound was granted on all indigo, exported therefrom to Great Britain.

The attention of the legislature, at their next session, on the 6th of April, at Newbern, was directed to some depredations and insults, committed by the privateers of the enemy, in the inlets and such ports of the province, as were of easy access: sometimes cutting out vessels and carrying them away, at others, running up the rivers, landing and plundering the plantations. A law was passed for erecting fortifications at Ocracock, Topsail and Bear inlet and for finishing fort Johnston. To defray the expenses of their construction, a grant of

twenty-one thousand three hundred and fifty pounds was made to the king, and an emission of bills of credit, to the same amount, was directed. The paper currency in circulation, denominated Old Proc. was so depreciated, that it passed at the rate of seven and a half for one; it was directed to be exchanged on these terms, and the exchange between proclamation money and sterling was fixed at four for three. A poll tax of one shilling was laid for the redemption of the bills issued, to continue until they were absorbed. Hitherto, the sheriffs and all collectors of the public money accounted and paid the balances in their hands, to a committee of the legislature: during the bustle of the session, there was seldom time for a minute investigation of the accounts of the officers who attended; never any to send for those who kept away. The consequence of so loose a practice, caused the utmost confusion in the fiscal affairs of the colony; a remedy was now attempted to be applied to the growing evil. The province was divided into two districts, treasurers were appointed, before whom, it was made the duty of holders of public money, semi-annually to appear, exhibit their vouchers and close their accounts.

The casual emoluments of officers were fixed by a new fee-bill.

With a view to give some encouragement to the tanning of leather, which was attempted in several parts of the province, a law was passed, prohibiting the exportation of raw hides and skins.

At the request of the Tuscarora Indians, who had remained behind, when the main body of the nation, early in the century, emigrated towards the northern lakes, the lands allotted them by the treaty of 1719 were laid



out and marked off. All persons were prohibited from purchasing any part of them, and the enjoyment of the rights of the white owners was postponed until the lands were abandoned by the Indians; settlers were removed and all persons inhibited from ranging stock on these lands.

A rent roll was directed to be made of all the lands, holden in the province: such persons, whose conveyances were not already recorded, were required to register them within twelve months, in the office of lord Granville, at Edenton, for the northern part of the province, and in that of the auditor general, in the rest of the province, or in the office of the register of the county in which the land lay; and all conveyances, in regard to which this formality was neglected, were declared void. But all persons who had lost the evidence of their titles, having had possession for twenty-one years, on due proof, were declared to have a good title against the king or earl, paying the highest quit rent in the country: indigo and tobacco were declared a tender, in payment of quit rents.

The fate of the provincial laws, after copies of them were transmitted by the governor to England, depending much on the report of the king's counsel, appointed for the special service of the board of the lords commissioners of trade and plantation, and the opinion of this gentleman being naturally much influenced by the idea and information he received of the reasons, circumstances and views, with which the act had been passed, most of the provinces had found it their interest to have an agent in London, whose duty it was to attend the reporting council, make such explanations and give such in-

formation, as would lead his opinion to a favorable report, and wait on the board after it was delivered.

The success of the affairs of a province often materially depended on the ability and industry of this agent, for the great officers of state would not take the vague information of individuals, but transacted all business with the provinces, by asking and knowing their sentiments, through the means of their agents. Without some person of this character in England, their business there slept: memorials, addresses and petitions passed through his hands: it was his duty to improve every opening for the encouragement of the trade of the province that employed him, and to obviate any scheme that might hurt it. For this purpose, he was to watch the intentions of parliament and transmit early and accurate information of them to his constituents. The province having hitherto suffered from the want of an officer of this kind, the trust was now committed to James Abercrombie of London.

Towards the middle of April, the preliminary articles of a treaty for a general pacification were signed at Aix-la-Chapelle, by the British, French and Dutch plenipotentiaries; in the following month, the empress queen, king of Sardinia, and duke of Modena acceded to them, and soon after, the king of Spain, the republic of Genoa, and the rest of the contending powers. The definitive treaty was signed in the month of October: by this instrument the island of cape Breton was restored to France.

Early in November, a number of Spanish privateers came up a considerable distance in Cape Fear river, and committed great depredations; one of them was blown up, and a number of negroes and some valu-

able effects were taken out of the wreck : the proceeds of the sales of this property were afterwards applied to the building or repair of the churches in the towns of Brunswick and Wilmington, in the neighborhood of which the injury had been sustained.

The people, known by the appellation of the *Unitas Fratrum*, or the United Brethren, obtained in the following year, a statute of the British parliament, authorizing them to establish settlements in the American provinces.

A printing press was this year imported into the province and set up at Newbern, by James Davis, from Virginia : this was a valuable acquisition, for, hitherto the want of an establishment of this kind was severely felt : the copies of the laws, being all manuscript, were necessarily very scarce and it is likely faulty and inaccurate.

With a view to offer employment and an asylum to the great number of soldiers and seamen, who were discharged from the king's service at the peace, and to promote the settlement of the province of Nova Scotia, the lords commissioners of trade and plantations offered land to them, free from quit rent for ten years, and subject afterwards to a yearly rent of one shilling on every fifty acres : those who availed themselves of this offer, were offered their subsistence during the passage and one year after their arrival. The same offers were also held out to artificers, useful in building and husbandry. A number of people, impelled by this encouragement, emigrated and the town of Halifax was established.

The legislature, which sat at Newbern this year, held three sessions : the calm of peace was improved and several important laws were passed : the revival of the

acts of the general assembly, completed by Samuel Swann, was offered to the legislature, examined and approved. The judges having hitherto often differed in opinion, with regard to such acts of the parliament of the mother country, which were in force in the colony, the question was settled by the authority of the legislature, who passed an act containing the title of every statute that was recognized as in force and use, and all others were declared of no validity ; but, as the mother country was not prepared to allow the colonies to shake the authority of her parliament over them, the law received the royal disallowance. Provision was made for the relief of insolvent debtors, for docking entails of small estates.

The counties of New Hanover and Bladen were divided, and the western part of the former was erected into a new county by the name of Duplin, and that of the latter into another called Ansa, in honor of the late circumnavigator of the world.

A town was established on the north side of Roanoke river, in the county of North Hampton, to which the name of Hawns was given, from an English barony of that name, owned by lord Granville ; the law, authorizing the first erection of a toll bridge, was passed this session, and the bridge was soon after built over the river Trent ; the grantee's interest was extended to twenty-five years.

The culture of raw silk, in the British American colonies, was encouraged by an exemption from duty on its importation into Great Britain ; the same immunity was extended to bar iron, imported into the port of London, and pig iron into any port of Great Britain. These ad-

vantages were, however, far from being gratuitous ; they were more than counterbalanced by severe restrictions. The erection of slit mills and iron furnaces, in any part of the provinces, was strictly prohibited ; they were declared public nuisances, and the governors were specially charged to cause them to be destroyed ; the colonists were not suffered to extend their works in these manufactures even for their own use ; slit mills and steel furnaces, heretofore erected, were however permitted to stand and be employed.

The boundary line between the provinces of Virginia and North Carolina, had been run from the sea shore to Peter's creek, which falls into Dan river, a little below the Saura towns : it was now continued, by commissioners appointed by the legislatures of the respective provinces, to Holstein river, directly opposite to a place called the Steep Rock, a distance of ninety miles and two hundred and eighty poles. The commissioners of Virginia were Joshua Fay and Peter Jefferson ; those of North Carolina, William Churton and Daniel Weldon.

The greatest injury which France had sustained during the war, had fallen on her navy ; she applied herself in the calm of peace to repair her loss ; her activity excited the apprehension of Great Britain for her commerce and her colonies. There existed, however, between these powers, differences in regard to their American possessions, to which the treaty of Aix la Chapelle had not put an end : the boundaries of Nova Scotia, which the British extended far into Canada, and the French restricted to the peninsula between Newfoundland and New England, and the islands of St. Lucia, Dominique, St. Vincent and Tobago, of which the two nations claimed the property.

Commissioners were appointed on both sides, who met at Paris in the latter part of September, 1750.

The Moravians or United Brethren, purchased from lord Granville a tract of one hundred thousand acres, between Dan and Yadkin river, about ten miles to the east of the Gold mountain: they gave it the name of Wachovia, after an estate of count Zizendorff, in Austria.

The legislature met in the town of Newbern, in the month of June. Objects of improvement, in the internal polity of the province, appear to have engrossed their whole attention: inspectors of commodities intended for exportation, were now first appointed for the ports of Brunswick and Wilmington: rice, beef, pork and naval stores, were the articles made liable to inspection. The pilotage of Cape Fear, which was not yet under any regulation by law, became this session an object of legislative improvement.

A duty was laid on wine and spirituous liquor, imported from South Carolina by land into the county of Anson: this is the first instance that occurs, of an inland duty; the legislature were induced to lay it, through the desire of checking the growing trade of the province of South Carolina with the western country, which deprived the ports on Cape Fear river of almost all the produce from the upper parts of the province.

By a statute of the parliament, the new style was introduced into all the king's dominions; the old computation of time was declared to be abolished, after the last day of December of this year, and the new year to begin on the first of January; it hitherto began in March; the day following the 2d of September, 1752, was reckoned the 14th; omitting eleven days.

The attention of the British legislature was drawn to the advantages which the nation was likely to reap, from the importation of pot and pearl ashes from the American provinces : great quantities of these articles were consumed at home, in making soap and other manufactures ; the colonies were encouraged to supply the mother country with these articles, by their exemption from duty.

The statutes, allowing a bounty on the importation of naval stores, masts, &c. were continued, and new regulations introduced.

The provincial general assembly met in the town of Bath, on the first of March : this is the only session of the legislative body which appears to have been holden there.

A duty was laid on goods sold by pedlars. Considerable injuries having arisen to vessels, from the badness of the channels, leading to the ports of Edenton, Bath and Newbern, and the insufficiency and neglect of pilots ; commissioners were established in those ports, whose duty it was made to examine and license pilots, to cause the channels to be staked out and to superintend the navigation. Parts of the counties of Granville, Johnston and Bladen, were erected into a new county, which was called Orange ; and a town was established on the west side of Cashie river, in the county of Bertie, to which the name of Wimberly was given, from the owner of the ground.

In the course of this year, was completed the printing of the first revisal of the acts of assembly : the multiplication of the copies of them, by means of the press, was a valuable advantage : it tended to introduce order and uniformity in the decisions of courts, and by defi-

ning the rights of the people, in a degree, put an end to the great anarchy and confusion which had hitherto prevailed, from the ignorance of the people and the magistrates in this respect. The work was handsomely printed and bound in a small folio volume: a yellowish hue of the leather with which it was covered, proceeding from the unskilfulness of the tanner, procured it the homely appellation of the Yellow Jacket, which it retains to this day.

The trustees for the province of Georgia surrendered their charter to the king. on the second of July, in consequence of which regal government was established in that colony. The provinces of Pennsylvania and Maryland were now the only remaining ones, in which a proprietary government existed.

Governor Johnston now died, having presided over the province during a period of nearly twenty years. Under his administration, William Smith, Nathaniel Rice, Robert Holton, Matthew Rowan, Edward Moseley, Cullen Pollock, Edmund Porter, Eleazer Allen, James Murray and Roger Moore sat in council. The chief judicial seat was successively filled by William Smith, John Montgomery, Edward Moseley, Enoch Hall, Eleazer Allen and James Hasell.

The province increased considerably: the white population, which, at the purchase of it by the crown did not exceed thirteen thousand, was upwards of forty-five thousand; an increase of above three and one half for one, during a period of twenty-three years.

The exports of the province were already considerable: it appears, that in the following year there were exported 61,528 barrels of tar, 12,055 barrels of pitch, 10,429 barrels of turpentine, 762,000 staves, 61,580



business of steel. 25,000 bushels of peas, 3,500 barrels of pork and beef, 100 hogheads of tobacco, 50,000 pounds of beef tallow, besides wheat, rice, bread, potatoes, sweet corn, bacon, lard, lumber, indigo, and much more.

*Crimers—Fishes—Farms of S. C.—Records.*

## CHAPTER IV.

ON the death of governor Johnston, the administration of government devolved on Nathaniel Rice, the councillor first named in the king's instructions.

In the month of September, 1752, a hurricane ravaged the southern provinces; the town of Charleston was overflowed, and the inhabitants took refuge in the upper stories, or on the roofs of their houses; the impetuosity of the wind was more severely felt in North Carolina; the court house of the county of Onslow, in the town of Johnston, with the dwelling house of Edward Black, the clerk, and almost every building, were blown down and destroyed; the county lost all its records, and the town was so materially injured that it was abandoned.

On the 28th of January, president Rice died, at an advanced age, and was succeeded by Mathew Rowan, the next councillor.

This gentleman qualified, at Wilmington on, on the first of February, and met the legislature, at Newbern, on the 23d of March.

The calm of peace allowed them to bestow their undivided attention on the internal concerns of the province: the trade of the most considerable part of it being greatly obstructed, by the large shoals that lie within Ocracock inlet, so as to render small vessels necessary, to lighten ships of burden over the bar; the heavy expense, thus occasioned, and the great danger to which

the ships and lighters were, in the mean while. exposed, were sensible injuries to the commerce, to come into Ocracock inlet, and commodiously, to ride at anchor in the harbor of Core sound; experience had shown, that the merchants trading to Albemarle sound, Pamlico and Neuse rivers, were compelled to send to Ocracock inlet, or Core banks; sometimes the whole, and almost always, one half of the cargoes of vessels, of any burden, so as to require wharves and warehouses, near the harbor or on the banks, for the reception and safe keeping of the commodities, they were obliged to send down. It was imagined that these evils would be remedied, by establishing a town on the Core banks: a law was passed therefor, and the town was called Portsmouth; but, as the spot on which it was to be erected, was far distant from any inhabited part of the province and open to the depredations of the enemy, in time of war, even to the insults of pirates at all times, an appropriation of two thousand pounds was made, for erecting a fort for its protection, to which the name of fort Granville was given.

The upper part of the county of Anson, was erected into a new and distinct county, which, in compliment to the president, was called Rowan.

The French now began to carry into execution, their long concerted plan of connecting, by a chain of forts and continued settlements, their possessions in Canada and Louisiana, and as part of it, to endeavor to debar the English from all trade and intercourse with the nations of Indians, dwelling along the Mississippi, even those on the back settlements of the British provinces. Early in January, they had taken possession of an English truck-house, in the Twigtees nation, and carried several of

the traders prisoners into Canada, and soon after, they sent down a party of their Indians from Louisbourg, to harass the province of Nova Scotia. On the receipt of the information of these particulars, lord Holderness addressed a circular letter to the governors of the southern provinces, to require them, with the utmost diligence, to put their respective provinces in the best posture of defence; to watch the motion of the subjects of France, and, in case any of them, or those of any other foreign power, should presume to encroach on any part of their governments, to erect forts or commit any act of hostility, immediately to represent the injustice of such proceedings and require them immediately to desist, and, on refusal, to draw forth the strength of the province, and repel force by force.

As circumstances required that the several provinces should assist each other, in case of invasion, the governors were required to correspond together, and on the first information of any hostile attempt, immediately to convene the legislature, and lay before them the necessity of mutual assistance, and engage them to furnish such supplies as the circumstances might call for.

Lord Holderness concluded, by observing, that he had the king's express command, more strictly to enjoin, that no use might be made of the armed force, except within the undoubted limits of the British dominions. The misfortune was, that these *undoubted* limits were far from being easily discernible. The French minister of the marine, Monsieur Rouille, to whose department the concerns of the plantations belonged, was at the same time writing to the marquis de Jonquiere, governor of Canada, with the same apparent desire of justice, when he gave the orders, in consequence

of which, the British government conceived its rights were invaded. "The king commands me," said he, "to recal to your mind the instructions which have been often given to you, in regard to your conduct towards the British, particularly on the subject of the boundaries of the dominions of the two crowns, until they be finally ascertained. In supporting his rights against any encroachment, you are not to undertake any thing that may violate those of the British king. See that the officers whom you may station in the posts near the British colonies, act on the same principle; avoid whatever may give room to just complaints against you."

Vainly were the officers of the two nations required to act towards each other, with all the moderation, compatible with the honor of their respective nations, and the security of their possessions; neither could prevent a rival power, with a different idea of its own rights and possessions in America, from viewing even that moderation, as an overt act of hostility.

On the 29th of October, the assembly of Jamaica resolved; "That it is the interest and undoubted right of the representatives of the people, to raise and apply moneys, for the services and exigencies of government; and to appoint such person or persons, for the receiving and issuing thereof, as they shall think proper; which rights this house has exerted, and will always exert, in such manner as they shall judge most conducive to the service of his majesty and the interest of the people."

Early in January, an express from governor Dinwiddie of Virginia reached president Rowan. The governor, alarmed at a rumor of the movements of the French on the Ohio, had sent thither major Washington (the man who, a few years after, became one of the

most conspicuous characters of his age) who reported that the French had taken post on one of the branches of that river, and built a fort, in which they had mounted eight six pounders: they had materials in readiness for other forts, which they declared their intention of building on the river, and particularly at Logstown, the place destined for their future residence, as soon as the season would permit them to embark. For this purpose, they had upwards of two hundred canoes finished, besides a great number of others blocked out. To the representations of the major, the commanding officer at the post had answered, that the country belonged to the French; that no Englishman had a right to trade upon those waters; and he had orders to make any of them prisoners, who attempted it on the Ohio or its branches.

Governor Dinwiddie, in giving the information to president Rowan, observed, that the force of the enemy was far from being contemptible: they had already engaged three nations of Indians, the Chippeways, Ottaways and the Orendakes, to join them: they had four other forts on the Mississippi, besides a garrison of one thousand men at New Orleans. By the means of the Wabash, they had a communication between Canada and the Mississippi; and before they sent their troops into winter quarters last fall, they had called the several tribes of Indians together at the fort, and told them they might rely on seeing them early in the spring, with a very considerable reinforcement; that they would take possession of the Ohio, if they were not entirely passive. The letter concluded, by soliciting an aid of men from the province, to join the troops, that were raising in Virginia and Maryland, and march against the French.

President Rowan immediately issued his proclamation, for the meeting of the legislature at Wilmington, on the 19th of February.

In his speech, at the opening of the session, he communicated to the houses, the despatches he had received from lord Holderness and governor Dinwiddie, and pressed them to improve the opportunity of manifesting their loyalty to the king, their zeal for his service and their affection for a sister province. The lower house put a price on their compliance, and insisted, as a *sine qua non*, on obtaining the president's assent to a bill for issuing a considerable sum in paper currency. This was easier to be obtained from a temporary chief magistrate than from a governor, who, by yielding the point, might incur the risk of losing his office. President Rowan did not make much difficulty. Various plans were accordingly introduced; the most prominent of which was a scheme for a general loan office, to be managed by four trustees, chosen by the chief magistrate out of eight persons named by the assembly, one of whom should go out yearly, and be replaced by a similar mode of re-appointment. A sum of eighty thousand pounds was proposed to be emitted, in bills of different denominations, from fifty to one shilling, and proclamation money, of the value of four shillings to three shillings sterling. One half of the emission was to be in bills of twenty shillings and under, and to be loaned by the trustees on security; in sums from three hundred to twelve hundred pounds, with a proviso, that on the interest being paid within two months after the day of payment yearly, five per cent. only should be taken, otherwise six. The rest of the emission, being in large bills, was to be loaned on the same terms; but, with a view to

keep the credit of those bills in circulation, it was provided, that one per cent. interest should be allowed thereon, from the time the bill was lent out till returned, and paid into the office in discharge of some money, there borrowed. These bills were to be loaned in sums from five hundred to twenty pounds. All the bills were to be a tender in all payments. The friends of this plan contended, that no beneficial commerce could be carried on, without some kind of a circulating medium, and that the mode hitherto pursued, when paper was emitted, to lay a tax for the redemption of it, by instalments, within a limited number of years, and cancelling and burning yearly the produce of the tax, did not fully answer the intended end; for, the circulating medium was thus gradually lessened, the remainder being still sooner absorbed by the tax, and, at the end of this operation, the necessity of a circulating medium, was as equally pressing as before the emission: as a sufficient quantity of coin or bullion could not be brought into, and retained in the province, without an increase of trade, and a proper economy to procure a balance in favor of the province, by increasing the amount of exports and diminishing that of imports, which could not be effected in an infant and growing province, where all necessities are to be provided for, to improve the lands and purchase slaves; that the circulating medium ought to be rather increased than lessened, as the population of the province advanced. Even if the president's assent could have been had to this plan, it was not likely a majority of the council would have hazarded their seats by sanctioning the measure: emissions of paper in the colonies being highly disapproved of at home, and exciting the complaints of the merchants, who, as the currency fell in



value, by the accession of a greater quantity, were obliged to receive it in payment from the planters, or take produce at the advanced price to which it naturally rose, with the increase of the medium with which it was to be exchanged. The plan failed. The grant of supplies and the emission of money were made the object of one bill.

The sum of one thousand pounds was appropriated to the raising, subsisting and paying such troops as the president might see proper to send to the assistance of the province of Virginia. Two thousand were also appropriated for the repairs of Fort Johnston, and a like sum for those of Fort Granville. The inhabitants of the frontier counties of Anson and Rowan, being judged too poor to support, unaided, the expenses attending the defence of the back settlements against the Indians, one thousand pounds were appropriated to the purchase of arms for their use.

Forty thousand pounds, in bills of credit, were emitted to meet these expenditures, and another appropriation was made of twenty thousand pounds, for the purchase of a glebe in every county, for the establishment of a public seminary and the repairs of the public buildings of the province. This last appropriation was made under a suspending clause, till the king's pleasure was signified. It does not appear that it ever was obtained.

An annual poll tax of one shilling and a duty of four pence on every gallon of wine or spirituous liquors, were the means provided for the redemption of the paper now emitted, and to continue till it was in this way all bought in and cancelled. It will appear in the course of this history, that the tax and duty were continued until the abolition of the regal government. The appro-

priation for the seminary, which, however, proved ineffectual, is the first evidence of a desire to encourage literature, manifested by the legislature of the province: it did not happen till nearly ninety years after the settlement of the country.

The upper part of the county of Bladen was erected into a distinct county, and called Cumberland.

The town of Exeter, in the county of New Haven, and that of Gloucester, in the county of Anson, were established.

President Rowan lost no time in raising the troops, voted by the legislature for the assistance of the province of Virginia. Colonel James Innis of New Hanover, marched, at the head of this succour, and joined the forces of Virginia, swelled by those of Maryland.

Without considering much the strength or composition of this small army, governor Dinwiddie, following the advice of the king's council, directed its march to the Allegheny mountains, with directions either to dispossess the French of their forts or erect one in the neighborhood. The whole force was placed under the order of the officer who commanded the detachment of North Carolina. The total number was not equal to one half of that of the enemy, and no care had been taken to provide for the troops any of the necessary supplies or conveniencies, which the season and the part of the country for which they were intended required. In giving orders for procuring recruits for the Virginia regiment, it had been unaccountably forgotten to provide any money for that purpose. The legislature of that province soon after rose, and there being no provision made for the prosecution of the war, the expedition

was countermanded, and colonel Innis marched back his men to North Carolina.

The provinces were much exposed to the depredations of the Indians, more particularly during a war between England and France, and, individually, either too weak to take efficient measures for their own defence, or unwilling to take upon themselves the charge of erecting forts, and maintaining garrisons, while their neighbors, who partook equally with them in the advantage, contributed nothing. Some times also, the defects which existed between the governor and the assemblies, prevented the adoption of measures of difference. To avoid the evils attending this immediate difference of interest, and the better to combine the forces of the provinces, it was recommended to them by the lords commissioners of trade and plantations, to devise a plan of union between the colonies, to regulate all measures of general interest. To accomplish this end, the former were invited to send commissioners to Albany, in the province of New-York. All, however, did not attend this call: commissioners from the provinces of New-Hampshire, Massachusetts, Rhode Island, New-Jersey, Pennsylvania and Maryland, attended; a plan proposed by Benjamin Franklin, one of the commissioners from Pennsylvania, a gentleman famous in the republic of letters and in the American history, was adopted, to be recommended, which has ever since been known by the appellation of the "Albany plan of union."

Application was proposed to be made for an act of parliament to establish, in the American provinces, a general government, to be administered by a president

general, appointed by the crown, on the nomination of a grand council, chosen by the legislatures of the different provinces. The number of members to be chosen in each, to be in direct proportion to the sum paid by it into the general treasury: but no province was to chose more than seven, nor less than two members. At first, the provinces of Massachusetts and Virginia were to have seven members each; that of Pennsylvania six, that of Connecticut five, those of New-York, North Carolina and South Carolina four each, that of New-Jersey three, and those of New-Hampshire and Rhode Island two each. The whole executive power was vested in the president general; the legislative power was vested in the grand council and the president general; his assent being necessary to the passage of a bill into a law. The general legislature was empowered to declare war, conclude treaties and make peace with the different nations of Indians; to regulate trade with, and make acquisitions of land from, them; in the name of the king or of the union, to settle new colonies, and make laws for their government, till their erection into distinct provinces; to raise troops, build forts, fit out and arm vessels and use all other means for the general defence. To carry these powers into effect, they were empowered to lay duties, taxes and imposts. All laws were to be transmitted over for the king's approbation, and, unless disapproved within three years, were to remain in full force. Military officers were to be nominated by the president general and appointed by the council, and those in the civil department were to be nominated by the council and appointed by the president general.

The French, still persisting in their endeavors to occupy the borders of Ohio; the province of Virginia

raised a regiment to check their advances. Major Washington, on whom the command of this corps had devolved, on the death of colonel Fry, advanced towards that river early in the spring. He met with, and defeated a small French party, under the orders of captain de Jumonville, and directed his march to the confluence of the Monongahela and Allegheny rivers, where the Ohio company had sent a number of men to erect a fort. But, on the 4th of July, he was attacked and defeated by a party of French and Indians, with the loss of 150 killed and 70 wounded.

The plan proposed by the commissioners of the province was submitted to their respective legislatures and rejected by all, as giving the president general, the representative of the crown, an influence greater than appeared to them proper, in a plain government formed for freemen. The British ministry disapproved of it; because it gave too much power to the representatives of the people. Perhaps these objections, from each party, are the strongest proof that can be adduced of its excellence, as directed to the situation of Great Britain and America, at that time. It appears to have steered, exactly in the middle, between the interest of both.

*Chalmers—Marshall—Records.*

## CHAPTER V.

IN the fall of 1754, Arthur Dobbs, who had been appointed governor of the province, arrived at Newbern. This gentleman was an Irishman, and had been a member of the Irish parliament: he was a man of letters and enterprise. It was at his solicitation, that the board of admiralty, in England, had been prevailed upon, in 1741, to cause a new attempt to be made, under the orders of Christopher Middleton, a captain of the Hudson bay company, to find a northwest passage to Japan, China, and India. The expedition sailed in the month of May, of that year; but it was unsuccessful. The plan of governor Dobbs was complained of by Monsieur Durand, one of the French commissioners, (1742) as tending to encroach upon the trade which the French carried on with the Indians towards the north of Canada, and to extend the British settlements in these parts to the prejudice of those of the French.

Governor Dobbs brought a few pieces of cannon and one thousand firelocks, a present from the crown to the province. He was accompanied by a number of his relations and countrymen, who had followed him with the hope of being promoted to lucrative offices, and the inhabitants of the province were not long without complaining of his too great fidelity in gratifying the desires of his followers.

He qualified at Newbern, on the 1st of November, and met the legislature six weeks after, in that town. He recommended the fixing of a permanent and adequate revenue on the crown, to meet the expenses of government, and a proper salary for the governor for the time being: he drew the attention of the lower house to the necessity of making an early appropriation for the repairs of fort Johnston and the other fortifications, and the support of a few soldiers; and of making provision for the support of a minister of the established church, in each county; for the regulation of trade, and the preservation of a good understanding, with the neighboring Indian tribes. The revision of the court system and the inspection laws were mentioned by him, as proper objects for the deliberation of the legislature, and he desired that some remedy might be applied to an alarming and growing evil, the great circulation of counterfeited bills of credit.

The assembly were ready to enter on the business recommended, if we except the allowance of a salary for the chief magistrate. An aid of eight thousand pounds was granted to the king for the defence of the province: a duty was laid on every ton of shipping of one fourth of a pound of powder and one pound of lead, and a bounty was allowed for facilitating enlistments. Means of defence being thus provided, the legislature turned their attention to the internal concerns of the province. A new judicial system was formed; a supreme court was established in different districts of the province; and provision was made for holding courts of oyer and terminer and general jail delivery, defining the jurisdiction of county courts and settling the mode of proceeding therein. Inspections of tobacco were established and

the exportation of that article, before it had been submitted to some test, was forbidden. Inspectors' notes were made a tender at the public treasury, at the rate of one penny a pound. The cultivation of this commodity, it seems, was as yet confined to the northern part of the province, the act making no provision for the inspection of it, to the southward of Tar river.

In their address to the governor, the lower house lamented the repeal of the act, establishing several towns and counties.

The ministry, judging that the provincial forces were unequal to a conflict against the French, despatched commodore Reppel, with a squadron of ships of war, conveying major general Braddock and a reputable body of troops.

After a long and tedious passage, general Braddock reached Williamsburg, early in the following year. In the letter, announcing his arrival to Henry Fox, the secretary of war, on the 4th of February, he said, "I have found every thing in great confusion, as I expected: much money has already been spent, though very little is done. The governor here is of opinion, that the people of the province are well inclined to give all the assistance in their power, to an affair that concerns them so nearly. Governor Dobbs is well enough satisfied with those of his province, and hopes to be more so hereafter; Pennsylvania will do nothing, and supplies the French with every thing they want."

His first step was to address a circular letter to the governors of the several provinces, to prevail on them to exert themselves in their respective governments, to obtain supplies of men and money; he recommended them to lock up their ports, so as



to render it impossible for the enemy to draw any provisions from the provinces, and expressed a wish that a common fund might be established out of the money, granted by the several legislatures. In a letter of the 18th of March, to Sir Thomas Robinson, secretary of state, he complained of the difficulties he had to encounter, in the following terms: "The jealousy of the people and the disunion of many of the colonies are such, that I almost despair of succeeding. I am indeed very sorry to tell you, that in all appearance, I shall meet with great difficulties in obtaining from those colonies, the supplies which the king expects from them and the general interest requires. Governor Dinwiddie has already obtained from his province twenty thousand pounds currency, and he hopes to obtain a still larger sum. North Carolina had granted eight thousand pounds and Maryland six thousand, each of the current coin of their respective governments. Although Pennsylvania is, without contradiction, the richest and the most concerned in this expedition; yet, it has supplied nothing hitherto." And in a letter of a later date to the earl of Halifax, the general writes: "I am sorry to have been under the necessity of saying, that the inhabitants of these colonies have all shown a great indifference for the king's service, and their own interests. However, they do not all fall under this censure, and particularly those of the province I am now in, (Virginia,) are not to be compared with their neighbors, and may not have deserved reproaches. But I cannot sufficiently express my indignation against the provinces of Penn-

sylvania and Maryland, which, being quite as much concerned in this expedition as their neighbors, and much more so than any other on this continent, refuse to contribute in any shape towards the support of this project, and even what they propose, they do only on such terms, as are entirely contrary to the prerogative of the king and his instructions to the governors."

Early in April, governor Dobbs left the province in order to attend a meeting of the governors of the provinces, which general Braddock had requested, with a view of consulting them on the most proper mode of operation. They met him at Alexandria, on the 14th of April. The result of their deliberations was a recommendation of three expeditions.

The object of the first and principal one, was the reduction of fort Duquesne, which stood on the spot on which the present town of Pittsburg now stands, in the state of Pennsylvania. General Braddock was to command it in person, and his forces were to consist of the troops he had brought from England, and such reinforcements, as might be obtained from the southern provinces.

The second, which was to be under the command of governor Shirley of the province of Massachusetts, was intended against Niagara and fort Frontignac. Two regiments raised in that colony, were to be the main force employed in it.

The last had Crownpoint for its object. For this, provincial troops were to be raised from the province of New-York, and those of New England; major general William Johnston of New-York, was designated as the leader of it.

General Braddock lost no time in making the necessary arrangements for the expedition which he was to head. He formed two companies of carpenters, each composed of a captain, two subalterns, two sergeants and thirty men. One of them was to be employed in making roads and boats, and the other in repairing carriages: he also raised a company of guides, composed of a captain, two aids and ten men. He established forts from the head quarters to Philadelphia, Annapolis and Williamsburg. His difficulties were increased by the great number of horses, waggon and batteaux, necessary for transporting the artillery, baggage and provisions, and the scarcity of laborers and the excessive price they required: the provisions were to be drawn from many provinces, distant from each other; the want of forage was severely felt, and the expedition was detained a considerable time waiting for the artillery. He set off, on the 20th of April, on his way to fort Frederick, in order to go by the way of Wills creek, where a post was established, on the spot since known as fort Cumberland, near the source of the Potomac, then the most western post, held in those parts by the English.

General Braddock was detained on the road at this post, by a coincidence of untoward circumstances, until the middle of June, when apprehensions were entertained, that this inauspicious delay would afford the enemy the opportunity of strengthening the post against which the expedition was aimed, so as to occasion its miscarriage. It was thought of the utmost importance to guard against this contingency, and the general, taking with him a chosen corps of twelve hundred men,

began a rapid march: the baggage of the detachment was packed on horses, and as few waggons were taken with it as were sufficient for the removal of the military stores. Colonel Dunbar was left with the rest of the army, and directed to follow by slower and easier marches.

General Braddock was not, however, able to reach the Monongahela till the eighth of July; the rugged state of the country did not allow a speedier progress, though the corps was disencumbered from every article that could be left behind.

After having crossed the stream, the general disposed his forces for battle: he placed in front three hundred British regulars, among whom were his grenadiers and light infantry, and followed, at some distance, with the artillery and the main body of the army, divided into small columns. This was a most unfortunate arrangement, and the general had determined on it, notwithstanding the representations of all the American officers near him, who recommended, that the provincial companies should be made to advance in front, scour the woods, discover, and give alarm in case of any ambuscade. This recommendation was disregarded, the general having too contemptuous an opinion of the enemy against whom he was advancing, and of the capacity of American soldiers. In the midst of a wide, open piece of ground, covered with grass to a man's height, the unseen foe fired on, and threw into confusion, the unsuspecting ranks in the van of the British forces: but the prompt advance of the main body, and the fall of the French commanding officer, put a momentary stop to the attack: but the assailants soon resumed it with great fury, and the van falling back on the main body, a general confusion followed.

Every officer on horseback, except George Washington, who was near the general as one of his aids, was killed or wounded, and the commander himself received a deadly wound : at this moment, his dismayed British soldiers ran in various directions, in disorder and confusion : the provincial forces kept the field a considerable time longer. Great was the carnage that ensued, till the Indians, who constituted a good portion of the enemy's army, diverted by the hope of plunder, gave up the pursuit. Sixty-four out of eighty-five officers, and one half of the men were either killed or wounded : the artillery, stores and baggage were all taken. The portion of the army that escaped, reached colonel Dunbar's camp, where the general breathed his last. The colonel, alarmed for the safety of his men, sought their safety in a precipitate retreat, and, after burning most of his stores, marched to Philadelphia.

By the unfortunate issue of this expedition, the western settlements of the southern provinces were left open to the attacks of the Indians, and most of the planters sought an asylum in the more thickly inhabited parts of the country.

The expeditions, under governor Shirley and general Johnston, were not so disastrous, but neither of them was successful. The army of the latter, during the summer, lay on the eastern bank of the Hudson, a little south of the city of Albany. In the early part of June, the troops of the eastern provinces began to pour in, company after company, and such a motley assemblage of men never before thronged together, on such an occasion, unless an example may be found in the ragged regiment of Sir John Falstaff. It would have relaxed the gravity of an anachorite, to have seen the descendants of

the Puritans, marching through the streets of our ancient city, take their situation to the left of the British army, some with long coats, some with short coats, and others with no coat at all, with colors as varied as the rainbow ; some with their hair cropped like the army of Cromwell, and others with wigs, the locks of which floated with grace around their shoulders. Their march, their accoutrements and the whole arrangement of the troops, furnished matter of amusement to the rest of the British army. The music played the airs of two centuries ago, and the *tout ensemble*, upon the whole, exhibited a sight to the wondering strangers, to which they had been unaccustomed. Among the club of wits that belonged to the British army, there was a Doctor Shack-burg, attached to the staff, who combined with the science of a surgeon the skill and talents of a musician : to please the new comers, he composed a tune, and with much gravity recommended it to the officers as one of the most celebrated airs of martial music. The joke took, to the no small amusement of the British : brother Jonathan exclaimed it was *nation fine*, and in a few days nothing was heard in the provincial camp, but the air of Yankee Doodle. Little did the author, in his compositions, then suppose, that an air made for the purpose of levity and ridicule, should ever be marked for such high destinies. In twenty years from that time, the national march inspired the heroes of Bunker's hill, and in less than thirty, lord Cornwallis and his army marched into the American lines to the tune of Yankee Doodle.

Governor Dobbs, in the course of the summer, visited the western counties of the province, and the towns on the sea shore, with a view to ascertain on what spots fortifications might be erected with the greatest pros-

pect of utility. He met the legislature on the 25th of September, at Newbern : in addressing the houses, he observed, that the situation of affairs in the province, being much altered since their last meeting, and the danger increased of the French being able to accomplish the scheme they had formed, of confining the British provinces to the eastern side of the mountains, by a chain of forts from Canada to Louisiana ; of gaining most of the nations of Indians to their alliance, and of preventing those who were friendly to the English from appearing in their defence, he was compelled to solicit them, in the king's name, to grant as large supplies as the situation of the province could allow, not only to defend the frontier counties, but also to co-operate in offensive measures with the other provinces, against the common enemy : he recommended the erection of a fort, between Third and Fourth creeks, near the South Yadkin, in the county of Rowan, near that of Iredell, a central spot between the northern and southern boundaries of the province.

The legislature granted a supply of ten thousand pounds, for the erection of this fort and for raising, equipping and paying three companies of fifty men each, exclusive of commissioned officers ; and with a view to facilitate the approvisionnement of the king's forces, an act was passed prohibiting the exportation of provisions or live stock, to any of the enemy's or neutral ports.

Pork, beef, rice, indigo, naval stores and lumber, were this year made subjects of the laws of inspection, which hitherto related to tobacco only.

The people known by the appellation of *Unitas Fratrum* or United Brethren, though more generally by that of the Moravians, having formed considerable settle-

ments in Wachovia, a large tract of land, which they owned in the county of Rowan, now in that of Stokes, were erected into a separate parish, that they might discharge their parochial duties with more convenience and ease : the new parish was called Dobbs' Parish.

To the distresses of the war, was now added the calamity of one of those epidemical diseases, which at different periods have scoured the continental provinces, in autumnal visitations.

In the following year, the fortification which the governor had recommended, was raised : it was an oblong square, fifty-three feet long and forty-three wide : the opposite angles were twenty-two by twenty-four : it was twenty-four feet high, and had three floors, from each of which above one hundred muskets might be discharged at the same time.

The British now began to retaliate on their rivals, by captures at sea, and early in the following year, on the application of the French court for restitution of the vessels seized, the British cabinet required a previous satisfaction for the invasion of the king's territories and the hostilities committed on his American subjects. On receiving this answer, the French king granted letters of marque and reprisals. On the 18th of May, war was formally declared by the court of Great Britain ; an example which was followed by France on the 18th of June.

The earl of Loudon, who had been appointed commander in chief of the king's troops in America, and governor of the province of Virginia, came over in the spring. Nothing of importance was, however, attempted during the year.



In the month of September, the marquis of Montcalm made himself master of the important post of Oswego, on lake Ontario: the British garrison, consisting of sixteen hundred men, were made prisoners of war. This fortification, having been erected in the country of the Five Nations, was not viewed by them without jealousy: the marquis wisely destroyed it in presence of the Indians, telling them that the French wished to enable their red brethren to preserve their neutrality, and would not make any other use of victory than to demolish the forts built by the English on the lands of the Indians, with the design of overawing and keeping them in subjection.

The general assembly of the province sat at Newbern on the last day of December. The attention of the houses was drawn by governor Dobbs to the change which had taken place since their last session: he said that the measures which the king had taken to preserve the rights and possessions of his American provinces, and compel the French to restore the territories they had taken possession of, had encouraged the hope of a speedy determination of all differences; but it now appeared, that the king of France, not only persisted in the determination of hemming in the British colonies, securing the Indian trade, engaging the Indian tribes on the frontiers in his cause, and with their assistance expelling the English from the continent of America, but had invaded, previous to any declaration of war, the king's dominions in that of Europe, and threatened an invasion and the total destruction of the British empire, outrages which had compelled the king to declare war against France.

After observing that the whole British empire, in America, was at a stake, and the religion, liberties and possessions of the nation in the utmost danger, unless her whole, united strength was exerted to repel those faithless neighbors and merciless enemies, he added, that the great weight of a war against the exorbitant power of France, without the assistance of any ally, under the pressure of a heavy debt, contracted for securing the integrity of the territory of the American provinces, required, that they should yield assistance to the mother country to the utmost of their ability, and recommended that, by an efficient aid, the province might be prevented from becoming the seat of war.

He informed the houses, he had received the king's instructions to recommend to them the passage of a bill for preventing desertions, and to encourage the recruiting service, and to request, that such sums as might be raised for the public service of the colonies, might be placed under the directions of his commander in chief, over all the colonies, and in compliance with the address of the assembly, at their last session, to re-enact the twelve laws, which had been repealed by the king in council, in 1754, for erecting counties and towns, reserving to the king his right to create members to serve in the assembly, and also to agree to the repeal of such subsequent laws for erecting counties which had not been laid before the king in council, before the month of April, 1754, and to re-enact them with the same reservation.

He recommended the passage of a militia law, and the revision of those for the support of the clergy and for the inspection of commodities.

The legislature granted a small aid only of three thousand four hundred pounds, which were appropriated to the defence of the western country; and, in compliance with the recommendation of the governor, passed a law to prevent desertion. The acts establishing the counties of Orange, Rowan and Cumberland, and those allowing the towns of Wilmington and Brunswick, the right of being represented in the lower house, were repealed, as containing clauses injurious to the prerogative of the crown, and acts were passed, for re-establishing those three counties, and all those, the erection of which had been disallowed by the king in council, by his orders of the 8th of April, 1754. A clause was inserted, declaring that the establishment of these counties was not to be construed as allowing the royal prerogative of granting letters of incorporation, ordering and regulating elections, and establishing fairs and markets.

More extensive regulations were made for the improvement and establishment of roads and ferries. Proper amendments were introduced in the inspection laws, and measures were taken to secure the collection of the powder duty.

The governor now informed the upper house, that the fortifications on Cape Fear river, at Core sound and Topsail inlet, would soon be in a state of defence, and that he had information, that the artillery and ordnance for Fort Johnston would soon arrive, and that he had applied for artillery and ordnance stores for the other forts, and for a company of one hundred and twenty men, to be fixed on the British establishment; whereupon the house, at his recommendation, addressed the king, imploring his protection for the province, and resol-

ved, that they would cheerfully concur with the other house, in making provision for the support of such men as he might send to garrison the forts.

The governor communicated the instructions he had received from the king, to fix on a proper spot for the seat of government, and the representations of the lords commissioners of trade and plantations; that it should be in a healthy situation, the most central, and their intention to advise the king, that it should be somewhere on the river Neuse; a committee of both houses was appointed, to view the country and report the most advantageous spot.

A post, established between Suffolk and Wilmington (once a fortnight) was continued for one year.

The governor was authorized to apply the surplus of the sum of twelve thousand pounds, appropriated at the September session of the legislature, in 1754, to the raising and subsistence of the troops, destined for the service of the province of Virginia, and out of the sum of eight thousand pounds, granted at the following session, for the defence of the frontiers, to make up any deficiency that might happen in the sum of ten thousand pounds, granted at the last session, and promised to make further provision, at the next meeting, if necessary.

Governor Glen, of South Carolina, began to establish forts in the country lately acquired from the Cherokees, On the banks of the river Savannah, and at the distance of about three hundred miles from Charleston, he erected Fort Prince George, within gun shot of an Indian town called Keoovee. It was square, and had an earthen rampart about six feet high, on which stockades were fixed, a ditch and a natural glacis on two sides, with bastions at the angles, on each of which four cannons

were mounted : It contained barracks for four hundred men. About one hundred and seventy miles down the river, was built Fort Moore, on a much smaller scale. Andrew Lewis was sent, by the earl of Loudon, to build another fort on Tennessee river, on the southern bank, at the highest point of the navigation, opposite to the spot, on which Tellico block house has since been placed, about thirty miles from the present town of Knoxville: the fort was called Fort Loudon. These strong holds, with those of Frederica and Augusta, formed a strong barrier against the Indians, and the protection they afforded, induced the inhabitants to advance towards the western parts of the provinces of North and South Carolina.

Andrew Lewis informed governor Dobbs that, on his arrival at Chota, he had received the kindest usage from Old Hop, the little carpenter, and that the Indians in general expressed their readiness to comply with the late treaty with the Virginia commissioners (Byrd and Randolph). They manifested these disposition while the fort was building ; but, when it was finished, and they were pressed to fulfil their engagements and send warriors to Virginia, they equivocated. Andrew Lewis observed, that the French and their Indian allies, the Savannahs, kept a regular correspondence with the Cherokees, especially those of the great town of Tellico. He expressed his opinion, that some scheme was on foot for the distress of the English back settlers, and that the Cherokees greatly inclined to join the French. While he was at Chota, messages had come to the little carpenter, from the Nantowes, the Savannahs, and the French, at the Alabama Fort. He took notice that the objects of the communications were industriously con-

ceased from him, and that a great alteration, in that chief's behaviour towards him, had ensued. In return, towards the latter part of September, a Frenchman who had lived for a considerable time among the Cherokees, accompanied by a Cherokee wench who understood the Shawanees tongue, went from Chota to the Alabama Fort, and to the Savannah Indians. The object of his visit to the French, was to press them for the accomplishment of a promise the commander of the fort had made, to send and have a fort built among the Cherokees, near the town of Great Tellico. The communication concluded by observing, that the Indians had expressed a wish that captain Dennie, sent by the earl of Loudon, with a corps of two hundred men to garrison the fort, might return to Virginia, the Indians being displeased at seeing such a large number of white people, well armed, among them, expressing a belief, that their intention was to destroy any small force that might be sent, in order to take the fort and surrender it to the French.

On this information, captain Hugh Waddle was sent with a small force to reinforce captain Dennie.

In the month of January, governor Dobbs went to Philadelphia to attend a council, composed of the governors of the southern provinces, called thither by the earl of Loudon, in order to concert measures for their protection while the commander in chief would carry on more important operations in the northern provinces.

Preparations had been early made, for an expedition against Louisbourg. A general embargo was laid in the beginning of March, on all vessels throughout the provinces, from Nova Scotia to North Carolina: it continued until June. The object of it was to procure shipping for the transportation of soldiers, provisions,

stores, artillery, &c. Four hundred and fifty men, of the first battalion of American royalists, were ordered to South Carolina, under colonel Bouquet.

In the latter part of June, the transports sailed from the different provinces to Halifax: they carried about six hundred regular troops. In their passage, they escaped being taken by a French fleet, which had been cruising about five days before, near the mouth of the harbor. Five weeks were spent, at Halifax, in holding councils. The result of these deliberations was the determination of laying aside the expedition against Louisbourg. In the meanwhile, the marquis de Montcalm, availing himself of lord Loudon's absence, proceeded to Crown Point, with about ten thousand men, consisting of regular troops, Canadians and Indians, from whence he marched to Fort William. Having, after a siege of five or six days, taken and demolished it, he made the garrison, which consisted of about two thousand men, prisoners of war, made himself master of a large quantity of provisions and stores, and secured the entire possession of the lakes.

Some time after his return from Philadelphia, governor Dobbs received an application for succour, from the province of South Carolina. Governor Lyttleton informed him that the neighboring Indians, excited by the French, grew daily more troublesome, and the colony found itself unable to resist them without aid. The legislature was, thereupon, convened: they held their fourth session at Newbern, on the 16th of May. An aid was granted to the king, for the relief of the sister provinces and for the defence of the frontiers.

Parliament, this year, at the king's recommendation, granted a sum of fifty thousand pounds sterling, to the

provinces of Virginia, North and South Carolina, as an indemnification from the expenses of war. The proportion of North Carolina was three fourths of fifteen thousand dollars.

The general assembly held its fifth session at Newbern, on the 20th of November. Governor Dobbs observed, that the affairs of Europe, Great Britain and the American provinces, were now in a most critical situation, by means of a most unnatural alliance, entered into between the houses of Austria and France, into which they had drawn the empress of Russia, against the only protestant power of Germany, who could support its civil and religious liberties: he said the king's German dominions were overrun by a superior French army, and, consequently, the protestant interest of Germany and the rest of Europe was in the greatest danger; and all the forces the king had been able to spare, for the relief of his American provinces, had not been sufficient to dislodge the French, from their encroachments on the frontiers of the British dominions, in America.

He informed the houses of the late parliamentary grant, and of the arrival of the artillery and ordnance stores for Fort Johnston, and hoped that these instances of the king's paternal goodness might animate them to contribute with zeal, to the support of the expenses of the war.

He drew their attention to an evasion of the clergy law, common in many counties. The inhabitants combining to elect such vestrymen as they knew would refuse to act; he noticed the great defects in the inspection laws.

An act was passed, granting an aid to the king, for the subsistence of the troops, necessary to be kept for the



defence of the province, and for keeping up the fortifications on the sea shore. Authority was given to Edmund Atkins, who had lately been appointed by the king, superintendant of Indian affairs, to regulate the Indian trade, with a view to unite the tribes in alliance with the British, and strengthen their attachment; some trifling amendments were made in the inspection laws; but the governor's recommendations in regard to the vestry act was entirely disregarded.

At the close of this year, the affairs of Great Britain in America, bore a gloomier aspect than at any other period. The success of the French arms on the lakes, and the untoward issue of the late expedition against Fort Duquesne, left them the almost undisturbed possession of the Indian country, and consequently, an absolute influence over most of the tribes. The British, on the contrary, were confined to a relatively narrow slip of land, between the Allegheny and the Atlantic.

Early in the following year, a circular letter from the new minister, William Pitt, assured the governors of the American provinces, that, in order to repair the losses and disappointments of the late inactive campaign, it had been determined to send a formidable force, by sea and land, against the French in America; and he called on them to raise and procure as large bodies of men, within their respective governments, as the number of inhabitants might allow. Arms, ammunition, tents, provisions and boats, would, he said, be furnished by the crown; but it was expected the provinces would clothe and pay their men. Assurances were held out of a recommendation to parliament, to indemnify the colonies.

Accordingly, admiral Boscawen arrived early in the spring at Halifax, with a formidable fleet and about twelve thousand chosen troops, under the order of Sir Jeffrey Amherst. The command of the British forces in America, on the departure of lord Loudon, had devolved on general Abercrombie, who when joined by Sir Jeffrey, found himself at the head of the most powerful army ever seen in the new world. His whole number, comprehending troops of every description, was fifty-two thousand, two thirds of whom were Americans.

Three expeditions were proposed for this year, one against Louisburg, another against Ticonderoga and the last against fort Duquesne.

This was the one in which the southern provinces felt a principal, because of a more immediate interest. Their exertions were commensurate with it.

The legislature that sat at Newbern on the 28th of April, granted an aid to the king, for augmenting the troops, then in the pay of the province, to be sent to reinforce the army which was under the command of general Forbes, to march against fort Duquesne, to pay them while in that service, and for placing garrisons in the forts of the province.

The town of Hartford, in the county of Perquimans, was established this year.

The season requiring the labors of the husbandman, the legislature rose soon after passing the aid bill.

On the 8th of July, general Abercrombie attacked the French entrenchment at Ticonderoga, near lake George, but after a desperate push, he was

obliged to retire with great loss to his old camp on lake George, to avoid a total defeat.

Admiral Boscawen and Sir Jeffrey Amherst were more fortunate, and about the same time reduced the fortress of Louisbourg and soon after conquered the whole island of Cape Breton.

On the 27th of August, colonel Bradstreet took fort Frontenac and destroyed provisions and ammunition to a vast amount. He sunk seven vessels on the lake, took two and burnt the fort to the ground.

The general assembly held its seventh session in the town of Edenton, on the 23d of November. After acquainting them with the late successes of the king's arms, governor Dobbs impressed on their attention the necessity of protecting the sea coast; privateers often coming in, cutting out vessels from their moorings and sometimes even insulting the plantations near the shore; he also recommended objects of domestic concerns.

In compliance with the governor's recommendation, an aid was granted to the king for the support of the establishments of fort Johnson and fort Granville.

On the report of a committee of the two houses, appointed to view the country near Neuse river, and report the most eligible spot for the seat of the government of the province, an act was passed for establishing a city to be called Tower Hill, on a plantation belonging to governor Dobbs, on Coteney creek, near the spot on which the court house of the county of Greene now stands. A governor's house and such buildings as the service of the pro-

vince required were directed to be built there. The new city was declared the seat of the government of the province; but the operation of the act was suspended till the king's pleasure was known.

The superior court for the counties of Edgecombe, Granville and North Hampton was removed from Enfield to the town of Halifax.

The counties of Edgecombe and Johnston were divided, and the western part of the latter was erected into a new county, which, in honor of the governor, was called Dobbs; and the northern part of the former into another, to which the name of Halifax was given; and a town was erected on the east side of Little river, in the county of Pasquotank, which was named Nixonton, after the owner of the soil.

Soon after the rise of the legislative body, accounts reached the province from general Forbes, to whom the conduct of the expedition against fort Duquesne had been entrusted, that he had marched as early as the month of July, with the main body of his army. The delays in procuring the reinforcements from the different provinces, and the difficulties, opposed by the ruggedness of the country, were so great, that the general did not reach fort Duquesne untill the month of November. His force was eight thousand men. Alarmed at the approach of so formidable an army, the garrison, deserted by the Indians, abandoned the fort the evening before the general reached it, and escaped down the Ohio.

The British changed its name, calling it fort Pitt, in honor of a favorite minister. The occupation of this post was an object of vast moment to the Brit-

indiscriminately, destruction and death among the old and young, the softer sex, the innocent and guilty.

Scenes of disorder, though of a less bloody kind, disturbed the interior part of North Carolina. Some of the inhabitants of that portion of the province, the lands of which had been allotted to lord Granville, believing themselves injured by the conduct of Francis Corbin, his agent, embodied themselves, and marched in great disorder and tumult through several counties, ill treating those who refused to join or supply them with provisions, came to the town of Edenton and forcibly took the man from his house, and, in spite of the representations of the decent and orderly part of their fellow-citizens, triumphantly led their prisoner away. After a march of about seventy miles, they permitted him to return, on his giving bond for his future better behavior.

On the 8th of May, the legislature met at Newbern: no business of a public nature was completed, and the houses were prorogued after passing two private acts.

In the month of July, Sir William Johnston took the fort at Niagara, having defeated a large body of French troops, who had come to its relief, and soon after Sir Jeffrey Amherst possessed himself of Ticonderoga; the enemy having abandoned their lines on his approach and set fire to the fort. Crown Point also fell into his hands.

On the 17th of September, the city of Quebec surrendered to the British arms, after a very obstinate siege, during which, general Wolfe and Monsieur de Montcalm, the commanders of the two armies, lost their lives.

In the month of August, the court laws, passed in December 1754, were repealed by proclamation.

The ninth session of the assembly, called by governor Dobbs on his arrival in the province, was held in the town of Wilmington, on the 20th of November. In meeting the houses governor Dobbs observed, that the late success of the king's arms rendered any supply for the aid of the northern provinces unnecessary, but as the war would probably be continued, until a safe and honorable peace was obtained, by driving the French from the continent and ruining their marine, forces were necessary to check the unruly behaviour of the Cherokees; he recommended that the two companies of foot, in pay of the province, should be placed in the service of the fortifications.

He lamented the great depreciation of the currency, which was received at a nominal discount of 33 1-3 per cent. while the real one was from 70 to 90 per cent. in sterling money. This evil, if not early remedied, he said, would soon put an end to the credit of the province and be the ruin of its trade.

He recommended the passage of a court law; those which had been in force since his arrival in the province having lately been repealed by order of the king in council.

By a subsequent message, he drew their attention to a defect in the militia law, which had lately proved of great inconvenience: the detachment of the militia which had been ordered against the Cherokees, unde, colonel Waddle, having refused to proceed against them, on the pretext that the colonel was leading them out of the limits of the province.

A new court system was introduced: it provided for the establishment of a court of king's bench and common pleas: the bill passed the lower house, on its third

reading: in the upper, several amendments were insisted on; it was required, that a clause, which forbade the chief justice to receive any part of the fees of the clerks, be expunged, as derogatory of the honor of that officer, as well as a clause for borrowing from the sinking fund a sufficient sum to discharge the salaries of the associate justices and attorney general. This produced a message from the lower house, in which they observed that the practice which had hitherto prevailed, of the chief justice exacting from the clerks a considerable proportion of their legal fees, had been the cause of their being guilty of great extortions, whereby the superior courts had become scenes of oppression, and the conduct of the chief justice and clerks a subject of universal complaint: they admitted, that the late chief justice, Peter Henly (whose death was lamented by all who wished to see the hand of government strengthened, the laws duly executed, and justice impartially administered) from a pious sense of the obligations of his oath, had conformed to the act of 1748, for regulating officers' fees, but they thought themselves bound in duty to their constituents to provide against the pernicious effects of a contrary conduct: they expressed their hope, that the new chief justice (Charles Berry) would think his predecessor's laudable conduct in this respect worthy of imitation, and, in that expectation, were willing to leave him, in this regard, in the same situation as chief justice Henly had been. As to the money proposed to be borrowed out of the sinking fund, they observed, that the contingent fund was upwards of two thousand pounds in arrears, and as no method appeared more eligible, they offered to advance the sum upon the tax by which the money was to be replaced. The upper house per-

sisted in their proposition to strike out the clause for the loan, and that the salaries should be paid by a tax, to commence in the following year. The lower house replied, that the salaries were not the only object of the loan; that to oblige the creditors of the province to wait until money was collected by a tax, would be an injurious treatment, which would sensibly affect its credit: they added, that the measure was adopted in conformity to several precedents on similar occasions, particularly the one first proposed and afterwards insisted on by the upper house, where two thousand eight hundred pounds were applied to the chief justice's salary, that of the attorney general and other contingencies, to be replaced in four years by a tax, when the very law under which the money was signed, expressly provided it should not circulate for any use whatever, until the king's pleasure was known: notwithstanding which, the lower house had been so careful, to avoid every valid objection against a bill of such importance to the province, that they had forborne to insert the clause, relating to the application from the sinking fund, until they had ascertained, that it was not contrary to the king's instructions. They lamented being reduced to the disagreeable necessity of framing bills to supply the place of the valuable laws which had been lately repealed, through misrepresentations, originating in interested views, ever incompatible with the public good: they reminded the upper house, that the salaries of the chief justice and attorney general were at first intended by the legislature, as matters of mere compliment, at a time, when the province was in a prosperous situation: they added, that as no other expedient could be found at the present junc-



ture to defray that expense, should the upper house reject the bill on that account, care must be taken in framing another court bill, not to insert any clause, however necessary, that may introduce the least charge on the province; and concluded with a hope, that if the bill miscarried, the most sincere endeavors of the lower house would be accepted, by their unhappy constituents, in lieu of the valuable advantages which the bill was calculated to produce.

The upper house continued to insist on the clause being struck out, as the breaking in upon the sinking fund would give a deadly blow to public faith, and pressed the assembly to weigh the fatal consequences that would attend the rejection of the bill.

In their second message, the lower house admitted the impropriety of an application from the sinking fund, which necessity did not imperiously call for, but they declared it impracticable, without it, to pay the debts of the province, or to attain the valuable ends, intended by the bill. As the sum, intended to be borrowed, did not exceed two thousand five hundred pounds, and was to be replaced by a tax which would commence in 1763, the currency of the province would not be depreciated, nor any individual prejudiced. They concluded by observing, that on the most mature consideration of the message of the upper house, such were the sentiments of the lower, from which they could not depart, and referred it to the consideration of that body, whether the public good would not be better promoted by the passage, than by the rejection of the bill.

The upper house voted that the bill be rejected, unless the lower house would on the next day signify their consent, that the clause should be stricken out.

On being informed of the provisional fate of the bill, the lower house replied, that rather than to see the province reduced to the confusion and disorder which the want of courts must necessarily introduce, they would agree to expunge the clause, and with it such parts of the bill as allowed salaries to the chief justice, his associates and the attorney general, which appeared to them a necessary consequence of the clause, objected to.

On reading this last message, the upper house rejected the bill absolutely.

An attempt was made in the lower house to pass a bill for an emission of paper money, but the governor communicated to them an article of his instructions, which required him to withhold his assent from any bill for the emission of paper money, unless it contained a clause, that neither the bills proposed to be emitted, nor those hitherto issued, should be a legal tender.

An aid was granted to the king for the subsistence of the troops and militia now in the pay of the province ; it was directed to be paid out of the fund, heretofore appropriated for the purchase of glebes and the establishment of schools, the king not having signified his pleasure on that appropriation.

Parts of the counties of North Hampton and Chowan were erected into a separate county, to which the name of Hereford was given.

The province rapidly increased in population, and although its prosperity was considerably checked by the great exertions which were required from it for the support of the war ; yet, as it was exempt from the ravages of the enemy within its own limits, except on its western border, it extended its agriculture and increased its trade. The culture of tobacco had been successfully at-

tended to in the middle counties, and inspection and ware houses for that commodity were now established on the river Neuse and its branches.

The commerce of the ports on Neuse and Pamlico, having more to apprehend from the difficult navigation of those rivers, than from any immediate attack from the enemy, against which it was protected by a kind of natural fortification, the powder and lead duty, hitherto collected in kind, was directed to be received in money, and the proceeds of it applied to the erection of beacons and the stakeage of the channels of those streams. A similar provision was soon after made for the improvement of the navigation from Howard's bay to Bear inlet, in the county of Onslow. Extensive new roads were laid out in the interior part of the province, and attention paid to the erection and improvement of the public buildings in the counties.

A tract of land, in the county of Orange, one of the westernmost, had been laid off by an individual, W. Churton, on Enoc, one of the branches of Neuse river, on which a number of houses had been built. The healthiness of the spot and its convenient situation for an inland trade, induced the legislature to give to the establishment, the sanction of its authority. It was called Childsburg, in honor of Thomas Childs, the attorney general of the province, a gentleman of considerable ability and influence. The name was afterwards altered to Hillsborough, either from the hilliness of the ground, or in compliment to Wells, earl of Hillsborough, the secretary of state for America.

A bill passed both houses for the appointment of an agent, to solicit the affairs of the province in England: the governor withheld his assent from it.

On the 9th of January, governor Dobbs dissolved the assembly, complaining, in a speech of which a copy was refused to the speaker of the lower house, of their backwardness in framing an acceptable court system, and laws to compel sheriffs to account for public moneys, and assigning as one of the causes of the dissolution, the long time the assembly had existed; nearly six years.

Governor Lyttleton, of South Carolina, on the first account of the irruptions of the Cherokees, on the borders of the southern provinces, had embodied a considerable portion of the militia of his province, and determined on marching into the Indian towns and chastising the savages. While he was making his preparations for that purpose, thirty-two Cherokee chiefs came to Charleston, with a view to represent to the governor, that the nation did not support the warriors who had committed acts of violence upon the whites; that the chiefs had in vain attempted to restrain their young men, and were willing that satisfaction should be made, for these outrages, which the body of their nation reprobated. The governor refused to listen to these overtures of peace and set out for Congaree, a place at the distance of about forty miles from Charleston, which he had appointed for the general rendezvous of the militia. The Cherokee chiefs were induced to accompany the governor thither. He had represented to them, that, although he was determined on marching into their country, as they had come to him as ambassadors of peace, he would see that they returned unhurt, into their towns; but, as the whites were much exasperated, he could not answer for the treatment the chiefs might receive, if they exposed themselves alone to their resentment. The

Indians marched to Congaree, apparently satisfied; but in reality, chagrined and vexed, at the manner in which their unfeigned attempts to conciliate differences, had been received. On his arrival at Congaree, governor Lyttleton confined the thirty-two Indian chiefs, as prisoners of war; and when the army marched, a captain's guard was mounted over them, on the way; they were made to accompany the army to Fort Prince George, and on their arrival there, were confined in a miserable hut, scarcely sufficient for the accommodation of six soldiers. Shortly after, the governor concluded a treaty of peace, with six of the headmen of the Cherokee nation, by which it was agreed, that the Indians, in his possession, should be kept as hostages, confined in the fort, until an equal number of the Indians, guilty of murder, should be delivered up to him; that trade should, in the meanwhile, be opened and carried on as usual: that the Cherokees should kill or make every Frenchman prisoner, who should presume to come into their nation, during the continuance of the war; and that they should hold no intercourse with any of the enemies of Great Britain, but should apprehend any person, white or red, found among them, that might be endeavoring to set the English and Cherokees at variance.

Early in the year, governor Dobbs received despatches from Mr. Pitt, informing him, that the king had resolved to exert the whole force of Great Britain and her colonies, to finish the war in the ensuing campaign, and instructing him to use his utmost influence with the legislature, to induce them to raise, with the utmost despatch, as many men as the province could spare.


Writs of election were accordingly issued, and the legislative body was summoned to meet at Newbern,

on the 24th of April. In the county of Orange, a number of disorderly persons rose in arms, and, in a violent and riotous manner, prevented the sheriff from holding an election. The inhabitants of the town of Halifax, claiming the right of being represented in the lower house, under the act of 1715, and governor Dobbs refusing to grant them a charter, prevailed on the sheriff of the county to hold an election, and to return Stephen Dewey, the person whom they chose. He was suffered to take his seat.

In opening the session, the governor expressed the pleasure he felt in meeting a new assembly, and his hope, that the great and surprising success of the king's arms, and the distress and ruin of the trade and marine of France, in which the assistance of Divine Providence, was eminently displayed in the defence of the Protestant religion and the cause of liberty, would induce them to use their utmost power, in conjunction with the king's forces from Europe, to drive the French from all unjust acquisitions on the continent, and procure ample security, from the invasions and depredations of the French and Indians:

He recommended the earliest attention to a court system, and the appointment of an agent in England, by a special bill.

The lower house, in their answer, animadverted on the speeches of the governor to the last assembly, at the prorogation and dissolution. They observed, that the bill framed by the house had no other object, than the grant of an aid to the king, and the appointment of an agent, as recommended by Mr. Pitt; and in no other instance, had he, or any of his predecessors, taken any exception at the manner in which a bill of supplies



was framed. In reply to the speech at the dissolution, they took notice, that the treasurers were, by law, to account with the assembly : and the constant practice had been, for them to do so before a committee appointed by the house, who re-examined the accounts on the report of their committee. With regard to the sheriffs, they admitted that they had observed several deficiencies in their collections ; but, they added, that, in the confused state of the province, from the turbulent disposition of factions, cabals and dangerous insurrections, it could not, with reason, be supposed, that sheriffs, more than magistrates or other officers, could fully discharge their functions ; an inconvenience which they hoped would be removed, by the establishment of courts of justice on a respectable footing. They concluded, by assuring him, that those observations were dictated by their duty to their constituents, and not by a desire of raising disputes with him.

The governor replied, that he had laid before the house the accounts lately forwarded from New York, of the sums, issued for the troops sent to that province, and the officers who served on the Ohio were ready to account for the sums they had received. He said no money had passed through his hands ; he had only issued orders, which the persons in whose favor they were had to account for.

He said the loss of the aid bill was to be attributed to the clause, foreign to the object of it, which the house had insisted on inserting.

He added, that in regard to the accounts of the treasurers, he had strictly pursued his instructions, which required him to see them properly audited, laid before the legislature, and afterwards transmitted to England :

that, if the king thought proper to withdraw his instruction, he would gladly acquiesce : but he had thought it his duty to inform the house, that the accounts were irregular, as no list of taxables were produced by the treasurer for the northern district, nor any arrear returned, so that it could not appear what was the amount of the tax, nor whether the deficiency was occasioned by the sheriffs, or the neglect of the treasurers.

The house passed a resolve, asserting their indubitable right to frame and model every bill wherein an aid is granted to the king, in such a manner, as they believe most conducive to his service, honor and interest, and declaring every attempt to deprive them of the enjoyment of that right, an infringement on their rights and privileges.

By another resolution, they declared the mode, observed by the treasurers in stating the accounts exhibited at the last session, agreeable to the laws of the province and conformable to constant and uninterrupted usage, and the method proposed by the governor, unprecedented and repugnant to law.

The houses gave their first attention to the passage of bills for establishing courts of law, which had three readings in each.

By these acts, the courts of judicature, constituted and the regulations made for the administration of justice, by the acts of 1754—5, which were repealed by the late order of the king in council, were re-established with some alterations and additions, in respect to the qualifications of the judges of the superior court, the duration of their commissions and the jurisdiction of the inferior or county court.



The superior court act divided the province into five districts, and appointed courts to be held in each of them semi-annually, by the chief justice and his associate judges, to whom jurisdiction was given in all civil cases, where the demand exceeded ten pounds, and also in all criminal cases, from the highest treason to the lowest trespass.

It was provided, that no person should be appointed an associate justice of the superior court, unless he had been regularly called to the degree of an outer barrister, in some of the English inns of courts, be of five years' standing, and had practiced law in the principal courts of judicature of the province: the commissions of the judges were to be during good behaviour.

The county court act gave the justices jurisdiction of all civil actions to the extent of fifty pounds, and in cases of filial portion, legacies, distribution of intestates' estates, guardianship, the care of orphans and their estates, to any amount.

The acts varied in so little a degree from those which had lately been repealed, that the lower house were under just apprehensions, that the governor's assent to them would not be easily obtained: they therefore represented to him in an address, that as the bills for restoring the courts of judicature, and, through them, life to government and the rights and liberties of the people, appeared to be of such vast importance, they had thought it their duty to give them the preference over all other objects, and they had been despatched with unexampled unanimity and concurrence in both houses, and hoped their operation and excellence would distinguish the wisdom and justice of the legislature.

They urged, that the extreme solicitude of the people for such laws, and their own experience of the great mischiefs which had resulted from a long interval of licentiousness, called on them to beseech him to give the acts his immediate assent, not only that a proper foundation might be laid for rendering so great a satisfaction to the people, but to warrant the house in proceeding to the despatch of other important matters.

They added, they were thus eager to obtain his early assent to those laws, from a desire to proceed to frame a further remonstrance to the king, to show the expediency of their deviation, in some articles, from what may have been considered his directions in framing the bills.

The house strengthened their importunity by an assurance, that they would exert every practicable endeavour to demonstrate the strictness of their attention to the general objects which he had, so powerfully, recommended at the opening of the session.

When this address was presented to the governor, he replied, that it was of an unusual and unprecedented nature, and he would consult gentlemen more conversant than himself in those affairs.

The governor discovered, by the manner in which he was pressed to give his assent to these bills, that the house intended to regulate their conduct by his, and if he rejected the bills, there was little probability of their paying much attention to his other recommendations. The bills were liable to all the objections, which had caused the repeal of those they were intended to replace; nay, they were more at variance with the instructions of the crown.

The clause, defining the qualifications of the judges, was an unconstitutional restraint on the king's preroga-

tive, almost precluding the appointment of any person from England ; and he had reason to believe, it was intended to compel him to appoint three particular persons, to whom the qualifications were peculiarly adapted. The clause, defining the nature of the tenure by which the associate judges were to hold their offices, considered abstractly, was at variance with the principle of keeping all great colonial officers under a strict subordination to and dependence on the crown : but the irregularity of it was the more striking, in relation to the tenure by which the chief justice, who was to preside in those courts, held his office ; this officer, chosen by the king, being only appointed during the king's pleasure.

The jurisdiction of the county courts was extended to fifty pounds, while it had been complained, that in the repealed bill it had been raised to forty. When the ability of the colonists was considered, causes of that value were viewed in England as of too great consequence and importance to be determined in those courts, in regard to the qualification and abilities of the persons who composed them. There was a still greater absurdity, in restraining the jurisdiction of these courts, in common actions at law to a limited value, and giving them unlimited jurisdiction in cases of a more delicate nature.

The governors of the American provinces, by a standing article of their instructions, were inhibited from giving their assent to any bill of an extraordinary nature, affecting the property of the king's subjects or the trade and commerce of the colonies, without having first transmitted a copy of it for the king's consideration, unless with a clause, suspending the operation of the bill till the king's pleasure was known : and the ministers in Eng-

land were inclined to extend, rather than restrain, the sense of this instruction.

Perplexed at his situation, governor Dobbs sought a cloak for his conduct, in procuring the sanction of the advice of the chief justice and attorney general, who were required to declare in writing, whether it was expedient to assent to these bills.

Chief justice Berry, who was in England and had been spoken to, when the repealed laws were before the king's council, answered, that as the superior court bill provided competent salaries for the associate justices, so as to make it worth the attention of persons of skill and learning in the law to accept the offices, whereby, notwithstanding the expensiveness of the circuits, the causes depending in the superior courts might now, without delay, receive proper determinations, the chief reason for repealing the superior court act, passed in 1754, was thereby obviated; and the attorney general, Thomas Childs, contented himself with observing, that the desperate situation of affairs required the governor's assent.

The general expressions, in which those gentlemen couched their advice, did not authorize the belief that it would sanction the step, and the governor determined on temporising, at least till the passage of the aid bill.

In a message to the lower house, on the following day, he expressed the greatest concern that, at any time, he should be compelled to resist the request of the house, and more particularly, at the present important juncture, when they were summoned to meet, by the king's order, to give him an aid of men. He lamented, that the consideration of the king's request, which ought to have been the first object of the attention of

the legislature, had been postponed for above three weeks, to give way to laws relating only to the interior concerns of the province.

He observed that it was his duty, in common decency and respect to the crown, to give the precedency to an aid bill, over any other; that it had been the uninterrupted usage of the houses of commons of Great Britain and Ireland, since the happy establishment of their constitutions and liberties, by the revolution in 1688, to offer the aid bill to the royal assent before any other; and he found this to be the practice in the province, where all the bills were offered together, except in a single instance, at the last session, in passing the militia bill, which might be considered as an aid bill, since it authorized the king to march the militia out of the province.

He concluded by saying, it could not be very material if the bills, now waiting for his assent, were postponed for a day or more, and expressed his hope, from the zeal which the house had always manifested to enable the king to drive a cruel enemy from the continent; that if the aid bill was not passed before, it would at least go hand in hand with the others, especially as a delay in raising and disciplining the forces might defeat the king's views.

The house replied, that they could not concur with him in the idea that the court bills, though relating to the interior concerns of the province, were of so light importance. When they considered how many licentious, disaffected and evil disposed persons had, for many months past, assembled in different parts of the country, entered into mutinous and dangerous conspiracies, broken open the jails, and while they forcibly rescued malefactors, restrained the liberty of innocent persons,

without any measure being taken to suppress these outrages; they deemed it a matter of the utmost importance, that court laws might be immediately passed, to strengthen the hands of government and enable it to check these disorders.

They added, that they apprehended that, according to the usage and custom of the British parliament, the commons were at liberty to offer the bills they passed for the royal assent, at any time they thought proper, and were governed in this respect by particular circumstances and the emergency of the times.

Having at all periods manifested their loyalty to the king and their zeal for his service, by granting every aid of money and men which the governor had asked, even to the impoverishment of their constituents, and being still ready to risk their lives and properties, to join in defence of the king's rights and possessions, they had now an aid bill before them, which, as well as several others under consideration, had such an intimate connexion with, and dependence on, the court bills, that they could not operate till the latter were passed into laws, they felt it their indispensable duty to give them the precedence.

They concluded with a hope, that the governor would immediately give his assent, and thereby afford protection and security to the lives and property of their constituents.

The governor replied, that finding the house, misled by some of the king's servants, were determined to proceed on no business until they knew the fate of the court bills, it became his duty to inform

them, that those self interested gentlemen, who had procured the repeal of the former court laws and had carried the present bills through the houses, were the cause of the delay in their passage, as well as that of the aid bill; having procured to be inserted, an unnecessary clause, diminishing the king's prerogative, and, with a view to serve their own ends, placed the chief magistrate in the unpleasant dilemma of betraying his trust and disobeying the king's orders and instructions, by granting his assent, or seeing a flame raised against his administration, if he withheld it: a flame which, one of those gentlemen had already raised, contrary to his duty to the crown, in order to throw off the merited blame of having procured the repeal of the former bills, by his artful recommendations and representations; while he now sought to have them re-enacted with supplementary clauses, contrary to the king's instructions.

As to the great tumults and riots, which were mentioned, as causes for the immediate passage of the bills, he observed, that during the period of eight months, since which, the repeal of the court laws had been promulgated, no application had been made to him for a commission of oyer and terminer, which would have answered the pretended purpose; if the court laws were indispensable, unexceptionable bills should have been offered him; and the house might have known on application in what parts they were repugnant to the king's orders and instructions, which might have been done, and the bills ratified early in the session.

He informed the house that he could not pass the bills, unless the exceptionable clauses were expunged, or a clause was inserted suspending the operations of the laws until the king's pleasure was known. He laid before them the clauses in the king's instructions which forbade his assent, in their present shape, to the bills, and concluded by observing, that after the aid bill and such other bills as were ready, were passed, he would prorogue the legislature for a day, to give them the opportunity, in a new session, to model the bills in such a manner, as might allow him to pass them into laws.

The house went into a committee of the whole on the distressed state of the province and the governor's last message. They closed their doors and laid themselves under an injunction of secresy, under pain of expulsion. The committee reported a string of resolutions, containing their complaints against governor Dobbs; they were recapitulated in an address to the king, which the house approved of.

After the usual expressions of loyalty and fidelity to the person and family of the king, this paper states, that no consideration less than the prospect of total ruin, from undue exertions of power and internal commotion in his distressed province, could have induced the house to trouble his royal ear: but that, when by the injudicious and partial appointment of justices, unqualified for the trust, and the removal of others, liable to no objection, magistracy had fallen into contempt, and courts lost their influence and dignity; when rioters were permitted to assemble in several parts of the province, erect



sham judicatures, imprison the peaceable subjects of the king, break open jails, release malefactors with impunity; when the authors of these outrages were countenanced by the governor and honored with commissions as justices and militia officers; when citizens had received corporal punishment by the arbitrary mandates and private orders of judges still continued in office; when illegal and arbitrary pecuniary claims were enforced for the use of the governor and secretary; when the forms of writs of elections had been arbitrarily altered and diversified, to have particular men chosen and defeat the elections of others: some writs directing the freeholders, other the inhabitants generally, to choose; by which last form, servants and even convicts might be admitted to the polls, whereas, by king Charles' charter, laws were directed to be made by the assent of freemen and their delegates; when a writ had been issued to one county for fewer members, than they had used and ought to send, and to another none at all, till several bills had passed: by which practices it remained no longer a secret, that the governor intended to model the assembly for his own particular purposes, as he had before reformed the council by suspensions and new appointments; when insulted by blood thirsty savages on the exterior settlements, and in no less danger of falling a prey to internal enemies, the people of the province could only resort to their sovereign for succour, as the fountain from whence justice and protection flow to his most distant subjects.

The facts thus enumerated, are represented as far from forming a complete catalogue of the sufferings

of the inhabitants of the province, who, nevertheless, have, with great cheerfulness and alacrity, embraced every opportunity of testifying their zeal and loyalty to the king, and exerted their utmost efforts in the maintenance of his rights.

The house expressed their concern, that in the application of the several aids, which had been under the governor's directions, less regard had been paid to the useful purposes, intended by the legislature, than to enriching his particular friends and favorites; military commissions having been granted to persons of little or no weight in the province, whereby the raising of recruits had been delayed and the service injured.

They lamented, that it had been the particular misfortune of the province, that, by the governor's decisive influence on the council, the assembly had hitherto been prevented from appointing an agent, to represent their dutiful affection to the king and solicit the provincial affairs at the public boards in England; and that, at the session of the legislature, in May, 1759, provision had been made for such an appointment; but the bill was peremptorily rejected by the upper house, who assigned no reason; and the governor, thereupon, prorogued the legislature, bitterly reproving the lower house, for presuming to insert a clause for the appointment of an agent, in an aid bill, although such bills, with clauses as little analagous to the aid, had, without the least exception, been before passed in his administration; and it was notorious, that the true reason for the rejection of the bill by the upper house, and the governor's displeasure, was, the agency had not been given, by the lower house, to one Smith, his attorney in London. So that the aid,

intended by the king's dutiful subjects, recommended by the minister, had been postponed to gratify partial views and private interest, while the motive was veiled with feigned objections and subtile refinement, never before offered to an assembly.

In concluding, the house observed, that they refrained from mentioning many abuses of power and acts of oppression, other than those which, constrained by the necessity of the times and the despondent situation of the province, they had related; and that nothing less, than the impending prospect of desolation and ruin, could have induced them to remonstrate against the conduct of a governor, to the ease and happiness of whose administration, they had vainly endeavored to contribute; that, for some time, they had remained passive, under the yoke of oppression, unwilling to interrupt the important avocations which necessarily engage their sovereign's attention; but, perceiving themselves on the brink of anarchy and ruin, they, with humility and duty, supplicated his justice for relief.

They charged Anthony Bacon to deliver the address to Mr. Pitt, to be presented to the king, and the speaker was requested to write and send copies of it, to the earls of Granville and Halifax, and the secretary of state.

The thanks of the house were given to the attorney general, for the candid advice he had given the governor to pass the bills.

The house addressed the governor again: they bewailed, that he had suffered his ear to be assailed by designing men, and the evils that flowed from the incompetency of some of the judges he had appointed; and added, that the delays, occasioned by *advisari's* in

causes plain and easy to be understood by lawyers, and the erroneous judgments given by those lay judges, abundantly showed, the necessity of the qualifications required by the upper court bill: they observed, that, not to mention other instances, the corporal punishment, inflicted by order of his nephew, Richard Spaight, one of the judges, on an innocent person, without a trial by jury, contrary to all law, and in violation of the great charter of English liberties, was an unanswerable argument in favor of the proposed amendment, and the pertinacious adherence to the letter of an instruction, in a matter that could not have been in contemplation, at the time it was given, manifested an unreasonable desire to retain the power of appointing judges, for private views and partial ends.

They expressed their concern, that they should differ in sentiment from him, having made it their study to render him easy and happy, and, when their best endeavors for the king's service, and the interest of his subjects, were represented in the most disagreeable light, they could only say, they had the comfort of a good conscience.

In regard to the commissions of oyer and terminer, for the trial of the licentious rioters, who, by their dangerous practices, had disturbed, with impunity, the tranquility of the province, the house apprehended, that, from the general defection in the part of the country in which they committed their outrages, the commissions would have no other effect, than to bring the rage of unruly mobs on those who should act under them; and they expressed their concern, that these mobs increased in number and influence,

by several of their ringleaders being countenanced by the governor, and honored with commissions, as justices of the peace and militia officers.

They concluded, by lamenting, that the chief justice and attorney general should have incurred his displeasure, by giving their candid sentiments, in consequence of his command, on some insnaring questions proposed on extracts of his instructions.

The governor rejected the superior court bill.

An act was passed, establishing county courts, and provision was made for the support of an orthodox clergy.

On the 23d of May, the the legislature was prorogued by proclamation, till the 26th of the same month.

On opening the second session, governor Dobbs informed the houses he had called them together with the view of affording them the opportunity of re-considering the superior court bill, and determining whether any aid was to be granted to the king. ,

The superior court bill being offered to the governor, with a clause providing, that, if the king did not confirm it within two years from the 10th of November following, it should, from thenceforth, be null and void, received his assent.

The upper house having made an amendment to the aid bill, on its second reading, the lower house resolved, that this was an invasion of their privileges, and an evidence of an intention to disturb the harmony, which ought to subsist between the two branches of the legislature, tending to defeat their dutiful endeavors in granting the aid; but, protesting that the amendment should not, hereafter, be drawn into a precedent, they resolved, that desirous of evincing their loyalty to the king, they would

not reject the bill, and would proceed on it, notwithstanding the unparliamentary proceeding of the upper house.

On the third reading of the bill for appointing an agent, the upper house opposed the appointment of Anthony Bacon, and insisted on the name of some other person being inserted. On the disagreement of the lower house, the bill was rejected.

The lower house then, by a resolve appointed this gentleman, agent of the province for two years, with a salary of two hundred pounds sterling, per year.

The aid bill passed both houses, with a clause, providing for the emission of paper money: it was rejected by the governor, and the legislative body was prorogued.

## CHAPTER VI.

THE tranquility which followed the treaty concluded by governor Lyttleton with the Cherokees, was of very short duration : the Indians had been awed into it by the presence of a large force in the middle of their country : the effect subsided with the cause. The treatment which their ambassadors of peace had received in Charleston, their cruel imprisonment in fort Prince George and their subsequent detention, unauthorized by the late treaty, were circumstances which the spirit of the nation could not brook. Oconoota, an influential chief, heading a small party of choice warriors, advanced towards fort Prince George to create or improve an opportunity of relieving his companions from bondage, or wreaking his revenge on those who detained them. Governor Lyttleton, at his departure, had left the command of the fort to captain Coytmere, an officer who was peculiarly obnoxious to Oconoota. This circumstance contributed greatly to inflame the mind of the Indian, offering the double incitement of succouring his friends and destroying his enemy. For a number of days, his endeavours had no other effect, than to compel the garrison to keep within their fort. Stratagem soon effected what the force Oconoota could command was unable to execute : he withdrew his men for a few days, to

create the desultory hope of security, and some time after brought them back, placing them in a dark thicket by the river side : this being effected, he sent a squaw to Coytmere to inform him, he had a message to deliver him from the chiefs of his nation, desiring he would come and speak to him on the opposite side of the river ; in the mean while, he crossed the stream. Coytmere, accompanied by his two lieutenants, walked to the river, and the Indian from the opposite shore told him, that, being on his way to Charleston to procure the release of the chiefs, he wished one of the soldiers might accompany him as a safeguard ; he held a bridle in one of his hands and pretended he was going to look for a horse. Coytmere answered in the affirmative ; some desultory conversation followed, and Oconoota, turning towards the woods, swung the bridle twice over his head, the concerted signal, at which the Indians in ambush rose from the thickets, and firing, killed Coytmere and wounded his two officers. On hearing the report, the officer in command at the fort ordered the chiefs in his possession to be put in irons ; the Indian on whom this order was first attempted to be executed, stabbed the soldier who took hold of him, and wounded two others ; the garrison, exasperated, fell on the others and slaughtered them.

The chieftains in every town alarmed their countrymen and called on them to revenge the spirits of their murdered brethren, hovering around their huts : the song of war was begun, and the youths of the nation, impatient of vengeance, rushed on the innocent, defenceless and unsuspecting families of the planters



on the back settlements of the whites, and regardless of the claim of age, childhood, or the softer sex, spread death, desolation and waste; few escaped the knife, many of those few perished with hunger and distress in the wilderness, others were carried off for more cruel, because more protracted torments. The bearers of the first tidings of this massacre found the city of Charleston desolated by the small pox, which raged with so much violence, that few of the militia could be prevailed on to leave their sickening or frightened families, to march to the relief of the frontiers. The distress of the province was however relieved, by the arrival of colonel Montgomery with a detachment of regular troops: his force being increased by as many of the militia of South Carolina as could be raised, and a part of that of North Carolina under the orders of Hugh Waddle. Colonel Montgomery marched towards the Cherokee towns; he destroyed all the lower ones, but approaching that of Etchoe, the first of the middle settlements, he met in a thick wood a considerable body of Indians, and in the battle which followed, an equal slaughter left victory undecided; and the leader of the whites, from this specimen of Indian tactics, apprehending danger in penetrating farther into the country of the enemy, marched back to fort Prince George.

In the latter part of the month of May, lieutenant governor Bull, on whom the government of the province of South Carolina devolved, at the departure of governor Lyttleton, received information from the officer commanding at Augusta, that on the 14th the upper Creeks had murdered above twenty English

traders, the rest having, on previous notice by their women, fled to Pensacola. The lower Creeks, on receiving the information, doubted of its correctness, and despatched runners, who brought the confirmation of it: they told the English traders among them, that the upper Creeks would soon be down, with the intention of acting the same tragedy on them; that they could not fight against their own countrymen, and therefore, supplying the English with arms, advised them to unite in one of their towns and make the best defence they could. On the next morning, however, the Indians escorted them to Savannah.

Lieutenant governor Bull, on this occasion, solicited assistance from governor Dobbs: he represented to him, that there was much room to believe, that the French had excited the upper Creeks to war, a circumstance which would render the united efforts of the southern provinces necessary; he stated the formidable number of warriors which the Indians might bring into the field; according to his accounts, the Cherokees and Creeks had two thousand each, and the Choctaws five thousand, and there were other nations under the influence of the French, towards the Mississippi; the Chickasaws could not be well counted in the number of English allies, as their situation and small number were likely to make them either join, or be cut off by the general alliance against the English.

In consequence of this information, the legislative body held its third session at Wilmington, on the 30th of June. The letter of the executive of South Carolina was laid before them, and governor Dobbs soli-

cited them to grant a proper aid to the king, and make such amendments to the militia law, as the emergency required.

The lower house, in whom the feelings excited by the violent altercations between them and the governor, at the last session, did not appear to have subsided, were at first unwilling to proceed to business, a majority of the members not being present, many having declined coming, on account of a rumor of the small pox raging in the town of Wilmington.

They began their address, by bewailing the thinness of their house, and observed, that nothing but the particular and critical situation of the country could have induced them to depart from the established rule, and proceed on business with a less number than a full majority of all the members.

They next animadverted on the governor's speech, at the prorogation, and observed, that the aid bill, which he had been pleased to reject, greatly varied from that on which his observations had been founded. They said, the slow progress in levying the forces, to serve under general Forbes, was, in their apprehension, occasioned by the unlucky choice of officers, made by the governor, who were strangers to the generality of the people; a misfortune against which the last aid bill was attempted to be guarded. They admitted, that the bounty was small, but a reward of five pounds was offered for every scalp, and the Indians taken alive were to become the property of the captors, inducements, which, in the judgment of the house, were likely to be equal to that of a larger bounty.

With regard to the disposition made of the twelve thousand pounds proposed to be emitted, they observed, the treasurers could have derived little advantage from it, the province being six thousand pounds in arrears, and the bill made application of the greatest part of what might remain, after the men were raised ; and that if the house had acted as the governor suggested they ought to do, and invested him and the council with the power of applying the money, their conduct would have been inconsistent with their duty, and contrary to the constant and approved method.

They expressed their desire of joining him in every measure that might redound to the king's honor and advantage and the true interest of the province.

The governor, after the customary expressions of thanks, replied, that he must inform the house, that their quorum to proceed to business was by the king's instructions fixed at fifteen, to which number the house must now adhere.

He added, he would not enter into any disquisition in regard to former bills ; but, he had to inform them, that as to future bills, he would pass none that restrained the executive power, which was the king's prerogative ; the only power, delegated to the assembly, being as to the quantum of the supply, the mode of raising it, and the pay of the troops, all other considerations being inconsistent with the prerogative of the crown.

A bill for the appointment of an agent passed the lower, but was laid over in the upper house.

Two bills only were offered for the governor's assent, the militia and aid bills : both received it. Seven thousand pounds were granted to the king, for the protection of the province and the relief of that of South Carolina,

and an emission of paper money, to the amount of twelve thousand pounds, was directed ; the surplus was ordered to be applied to the contingent charges of government already, or that might be allowed by the general assembly. A poll tax of one shilling per annum was laid, to commence in the year 1763 and continue till the money emitted was collected and burnt.

A premium of five pounds for the scalp of every Indian killed in the war was allowed, and the soldiers were allowed to retain all Indians taken alive as slaves, with all the plunder that might be taken from the enemy.

The distant garrison of fort Loudon, found itself this summer reduced to the dreadful alternative of perishing with hunger, or throwing themselves on the mercy of the Cherokees ; for a whole month they had subsisted on the flesh of lean horses and dogs, and a small supply of Indian beans, which friendly squaws procured for them. In this deplorable situation, it was determined to surrender the fort : captain Stewart was therefore sent to Chota, one of the principal Indian towns in the neighborhood, where he met the chiefs of the Cherokees, and agreed on the outlines of a capitulation, which were afterwards confirmed and signed by the commandant. The men were allowed their arms, and as much ammunition as the officers should think they wanted on their return ; the garrison was permitted to proceed to Virginia, or fort Prince George, and Indians were to be allowed to escort them and search for provisions ; the sick and lame were to be received into the Indian towns and protected until they recovered ; horses were to be furnished to the garrison, at a fair price ; the heavy artillery, powder, ball and spare arms, were to be delivered to the

Indians, on the day appointed for the march of the troops.

When they abandoned the fort, the British troops were escorted by a number of Indians, headed by Oconootota; they marched on that day fifteen miles, towards fort Prince George. At night, they encamped on a plain, about two miles from Tellico, an Indian town, where the Indians, one after another, disappeared; they remained the whole night unmolested; but, at the break of day, a soldier from one of the outposts ran in and informed, that he saw a vast number of Indians, armed and painted, creeping among the bushes and advancing to surround the English. Time was hardly given for the soldiers to stand to their arms, when the Indians poured in a heavy fire, from different quarters, accompanied with horrid yells and screams. Captain Dennie, three of his officers and twenty-six men fell; the rest fled into the woods, were soon overtaken and led captives to the towns of the valley.

These disastrous events in the southern part of the British empire in America, were, however, greatly counterbalanced by the great success of the king's arms in the north; the whole province of Canada having been conquered in the course of the summer.

The fourth session of the legislature was held at Wilmington, in the month of November. On the seventh of that month a majority of the whole lower house not appearing, those on the floor refused to proceed with the number of members present, constituting a quorum by the king's instructions, and came to a resolution, that, in the opinion of the mem-

bers present, they could not consistently with the charter of Charles II. and the usages and approved customs of the assemblies of the province, proceed to business, unless a majority of the representatives of the people were present. The warrant of the speaker was directed to the sergeant at arms, to compel the attendance of the absent members, by taking them into his custody. By this means a majority was procured a few days after.

Governor Dobbs began his speech by congratulating the houses on the reduction of Canada, and added he had great reason to hope, that the Cherokees, intimidated by the great success of the king's forces, and the opportunity it would afford to the commander in chief to detach a considerable number of men to chastise them, appeared inclined to accept the overtures of peace, lately made them by governor Fauquier of Virginia, and lieutenant governor Bull.

He recommended the continuance of the forces already in the pay of the province, until peace was finally concluded with the Cherokees, and as both the neighboring provinces had determined on exerting their whole forces to reduce the enemy to such terms as would, for the future, avert the dread of an Indian war; he expressed his hope that North Carolina would act in conjunction with them.

After expressing his reluctance to load the people with taxes, or to depreciate the currency by issuing paper money, he declares his readiness to enter into any reasonable measure, so that so much of the money paid to the agent of the province in London,

from the parliamentary grant, of which he had received a part, might be employed to pay the forces hitherto raised, as well as those that might be levied, by drawing bills on the agent, until peace was obtained or the Indian commotions subsided.

He recommended, that they would think of the propriety of allowing a premium to encourage the culture and exportation of hemp and flax; and, as flour and tobacco had of late become considerable articles of export from the river Cape Fear, that the inspection laws, relating to those commodities, might be extended to the southern part of the province.

The lower house in their address observed, that, although the province was one of the least in trade and riches, it had already emulated the most opulent in their zeal for the king's service, having, during the war, granted in several aids for the support of the common cause, not less than £80,001, and thereby anticipated their funds and contracted a large debt; yet, they would at this crisis, hoping it might be the last, join with the forces of Virginia and South Carolina as many men, as the indigent and almost exhausted circumstances of the province would allow.

They praised the governor's moderation and wish to avoid burdening their constituents, but expressed their inability to conceive, that the proposed plan of drawing bills could be executed, as the money already, allotted to the province out of the first parliamentary grant, was by law appropriated towards erecting public building and the residue to



other purposes, by various orders and resolves. They flattered themselves, that had they been so fortunate, as to have had the concurrence of the other branches of the legislature, in passing a law, more than once attempted, for appointing an agent, in London, who might have produced proper documents of the disbursements of the province, and represented the duty and loyalty of the people, considering their circumstances, in their true and proper lights to the king's ministers, the province might have participated in the first grant of £200,000 to the American provinces, out of which, the province of Virginia had received £20,546, exclusive of £32,268 19, her proportion of the second grant of £50,000, while the whole sum, coming to the province, was no more than £7,789 11, and even out of this sum the house was now informed of a demand of one thousand pound sterling, advanced by lord Loudon and governor Shirley, to pay the troops of the province, at New-York, notwithstanding the assembly had raised a fund, sufficient for that service: the house could not therefore withhold their opinion that the small part of the royal bounty, coming to the province, was apparently owing to the absence of an agent to represent their dutiful behavior to the king and his ministers.

They lamented the indispensable necessity in which they found themselves, the extraordinary charges of the war having exhausted the resources of the province, to postpone the consideration of premiums on hemp and flax, to a more favorable day.

They declared their conviction, that the prerogative of the crown and the just rights of the assembly could

well, and ought to subsist, inseparably together, and that whoever would attempt to divide them ought to be deemed an enemy to both, the prerogative of the crown being, in their apprehension, exerted solely for the ease and benefit of the people; they were unconscious of having ever attempted to invade it, although the governor in his speech, at the last sessions, and his reference to the resolution of parliament, which he had sent to them, seemed to charge the house with it. They were sorry to say that, they had been unfairly and unkindly represented at home, as the assembly had never arrogated to themselves the powers, stated in the resolution of parliament to have been claimed by the assembly of Jamaica.

In his answer to this address, governor Dobbs said, he must differ from the house, either as to the province having no proper agents in London, the lords of the treasury having accepted of the nomination both of the council and assembly, though of a distinct person, or as to the disposal of the balance of the £7,000, after Mr. Abercrombie had paid himself the sum that the house had allowed him, and they had it in their power to have a proper aid bill to repeal any former application and to apply it, for the future, to the use of the province, when no part had been applied in pursuance of their former resolutions.

He expressed his hope that the house, adhering to their loyal professions of uniting the king's prerogatives and the rights of the assembly, would put no tack to the aid bill, as had been formerly attempted, and thus disabling him from the power of assenting to it.

An act was passed to regulate the elections of members of assembly. The freeholders, to whom the right

of suffrage, was exclusively granted, were required to exercise it *viva voce*.

The county of Beaufort was divided, and the upper part of it was erected into a separate county, to which the name of Pitt was given, in compliment to a minister, dear to the American people. The late division of the county of Edgecombe having left Enfield the place at which the public business of that county was transacted, in a remote corner of it, a more central spot was chosen and a town erected on it, to which the name of Tarborough was given, from the river which washes it. With a view to forward the erection of churches in the towns of Wilmington and Brunswick, the legislature at this session, first countenanced the mode of raising money by a lottery.

In framing the aid bill, the lower house again inserted a clause, appointing Anthony Bacon agent of the province, for the purpose of representing to the king and his ministers their dutiful and loyal behavior, and to lay before them proper documents of the expenses the province had been at in carrying on the war against the king's enemies in America, the upper house, on reading the bill for the third time, made an unsuccessful attempt to obtain the striking of that clause out of the bill. As soon as it had passed the houses, the assembly addressed the governor for his assent, representing the bill as of the utmost consequence to the province and the adjacent ones, in the reduction of the Cherokees, whom they had reason to believe were encouraged in their depredations by the artful insinuations of the French, who, drove out of their possessions in Canada, were, as their last effort, making an attempt on the sou-

thern provinces, the most vulnerable part of the British empire in America.

No answer was given to this address; the governor rejected the bill and prorogued the legislature for a day.

In meeting them again, the governor addressed himself to the lower house only. He said he had prorogued the legislature with a view of giving the house an opportunity, in a new session to reconsider the rejected aid bill, that, if they chose to rid it from the exceptionable and foreign clause, they might perfect and render it serviceable to their king and country; but, in case they persisted, he might put an end to their further attendance, and their constituents might see, that their real intention was not to pass an aid bill, but to force an agent upon him and the upper house, whom that body had twice rejected, after he had publicly declared he would concur in the appointment of any other person.

The house, on their return, entered into resolutions, asserting their inherent and undoubted right, to nominate an agent for the province: and that the appointment is not inconsistent with the king's service, although made in an aid bill.

In their address they bewailed, that the king's service, in the intended expedition against the Cherokees, should be frustrated, by what appeared to be only some private resentment of the governor against Anthony Bacon: they observed, it was a matter of small concern to the king or his ministers, whether Anthony Bacon, or any other man, was appointed agent of the province, provided the house granted such assistance to the common cause, as the indigent circumstances of their constituents admitted. This had been attempted to be done, by the bill which he had rejected. Five hundred men, the

largest number during his administration, had been granted, and the pecuniary aid exceeded, also, any voted during the war, because the house conceived the present the most critical juncture.

They concluded by assuring the governor, that 'their adherence to the person they had chosen, proceeded only from a desire of avoiding inconsistency : having, hitherto, displaced James Abercormbe, on the intimation, that he was not pleasing to the other house, and, if they now abandoned Anthony Bacon, who had been nominated by the solemn resolution of the fullest house ever known in the province, no gentleman of character would ever accept an appointment from a body of men, so inconsistent and trifling.

The house next came to a resolution, that, on the failure of the aid, the governor might have power to raise a company, for the garrisoning of the forts of the province, and made provision for their enlistment, pay and support.

Governor Dobbs received the address of the house, in sullen silence.

A curious expedient was resorted to, with a view of holding out to the governor the opportunity of accepting the aid, with some appearance of persisting in his determination of rejecting an aid bill, with any clause not strictly relating to the aid. A bill was framed for the appointment of an agent, and to it, a clause was tacked, granting an aid. The old bill was inverted, and in this form passed both houses, and the upper house concurred with the provisional resolve.

The governor, as soon as he heard of the bill having passed both houses, issued his proclamation dissolving the assembly.

Apprehensive that this exercise of the royal prerogative, might be attributed to a desire of revenge, excited by the complaints against his administration, which the assembly had transmitted to their agent, in order to their being laid at the foot of the throne, governor Dobbs entered, on the journal of the council, the motives that had governed, or the pretences by which he wished to palliate, his conduct.

These were, the admission of a member to sit and vote, without his having been chosen in pursuance of the king's writ; the expulsion of another without a hearing; the refusal of opening the door of the house to receive a message from him, while the committee of secrecy was sitting; the concealment, for several days, of the proceedings of that committee; the appointment of Anthony Bacon as agent, with a salary, by the lower house; their refusal to proceed to business, with the number of members prescribed by the king's instructions; the great influence of the speaker, S. Swann, improperly exerted, in debating, from the chair, often, after a division, putting the question again, in a different manner, and thus, sometimes obtaining a different determination.

Stephen Dewey, the member of the town of Halifax, was the person alluded to in the first motive. His townsmen claimed the right of being represented, under the act of 1715, and insisted that they needed not the governor's writ to exercise it. Francis Brown, one of the members of the county of Perquimans, was the person alluded to as expelled, without a hearing. The house, on the report of the committee of elections, had determined that he was ineligible.

The conduct of governor Dobbs, in rejecting the aid bill, was highly disapproved of, and the lords commissioners of trade and plantations, expressed to him the great concern which they felt, that the king's service had been so greatly obstructed, and the province of South Carolina deprived of the assistance which, in her distressful situation, she had a right to expect from her neighbors, by unfortunate and ill-timed disputes, between the branches of the legislature, upon questions of mere speculative polity, too trivial, at almost any time, to deserve consideration, and improperly drawn into discussion, at a time when the united efforts of the king's subjects were so essential to their own security, and the general interest of the community.

They said it was not the part of the crown, either in point of right or propriety, to interfere in the nomination of an agent, so far as to the choice of the person; and the representatives were free to choose whom they thought fit, to act in what concerns the affairs of the province, with whom they and the council alone could correspond; the governor being restrained by his instructions, from corresponding upon matters of a public nature, relating to his government, with any other persons than the servants of the crown, in whose department the affairs of America were placed.

They added, that the only point in which a governor might interfere with propriety, was on the mode of the appointment, and although they deemed the attempt of the lower house, to name the agent in the aid bill, was irregular and improper; yet, considering the necessity there was of some supply to answer the exigency of the service, in the calamitous state of the southern provinces,

the objection appeared too trivial, to have been admitted as a reason for rejecting the supply; and, at the same time, rejecting the mutual benefit, which both the crown and the subject in North Carolina, would derive from the province, having an agent in England, duly authorized to answer upon all such matters as might occur, relative to her affairs.

The refusal of the lower house to proceed, without a majority of the whole, was considered, in England, as an unreasonable and indecent opposition to the will of the crown, communicated, in the king's instructions, to the governor. The practice was considered as inconsistent, with that which prevailed in the mother country, and as affording a favorable opportunity to designing men, to obstruct the king's service; and it was deemed preposterous to defend it, on principles laid down in charters, granted in times to which, of all others, one would least of all appeal for their constitutional principles.

The pretensions of the house, as to the mode of passing the public accounts, was deemed, not only highly derogatory to the honor of the crown, but subversive of every principle of policy which the wisdom of parliament, at home, had prescribed, by numberless laws, for the security of the subject. The king's instructions, by which the mode of passing public accounts was directed, were said to be founded upon the principles and practice of the mother country, to which the constitutions of the colonies were to assimilate, as nearly as their different circumstances would admit; and no part of the British constitution, was thought more closely adapted to the situation of the colonies, than those forms which took place in granting and issuing public money, and passing the public accounts; under the observance of



which, the subject was deemed to have that security, which he could not have under any other, that the taxes levied upon him by the authority of the legislature, were equally and justly laid, and the money faithfully applied to the service for which it was granted ; while, if forms and checks attendant upon them, were set aside, that security would cease, and a door would be opened to every species of fraud and corruption, in the persons intrusted with public money.

It was said to be a subject of concern, that the colonies had been so long indulged in methods of granting, issuing and accounting for public money, very different from the practice of the mother country ; and, it was hoped, that the lower house, convinced of the unreasonableness of their claim in these two instances, might, in future, show more proper regard to those determinations of the royal will, so apparently founded on considerations of public benefit and convenience, and the tenderest regard to the rights, interest and welfare of the subject.

In the beginning of February, accounts reached the province of the demise of the king, which had happened at Kensington, on the 5th of October. On the 6th of that month, George III. was proclaimed at Brunswick, in presence of governor Dobbs, the members of the council, and a number of the principal inhabitants and planters, as "the person to whom the supreme dominion and the sovereign right of the province of North Carolina, and all the other provinces of his late majesty, in America, were solely and rightfully come."

The assembly, which had been elected soon after the dissolution of the legislative body, being itself dissolved by the king's demise, new writs of election were issued immediately after the proclamation of the new sovereign.

Governor Dobbs received information from Sir Jeffry Amherst, that the minister had apprised him of the king's intention of continuing the war with vigour in America, to drive the French from the continent, and that he had room to believe the governor would soon receive orders, as well as the chief magistrates of the other provinces, to raise forces to finish the plan of the war.

The legislature met at Wilmington, on the last day of March. After announcing to the houses the demise of their late monarch, the accession of his grandson, and the object for which they were called together, the governor informed them he had not received any despatch from the minister, but he had within a few hours been apprised, that Sir Jeffry had received orders about the operations intended to be undertaken during the next campaign ; and as it was then too late to raise any forces to march against the Cherokees, he had only to recommend to their attention the internal concerns and improvement of the province, and would communicate any order he might receive during the session.

After the complimentary expressions of condolence and congratulation which circumstances called for, the lower house observed, that the aid for which they were likely to be called upon, would have been happily anticipated, had the aid bill which the two houses had passed at the last session, been honored with his assent, as the forces then granted might have contributed to the more speedy reduction of the enemy.

They added, that if he had been obliging enough to have called them together to a more central part of the province, he would have saved a considerable expense to the public, and greatly contributed to the ease of the

greatest part of the members and saved himself the trouble of frequent prorogations ; they expressed themselves fully aware of the prerogative of the crown, in fixing the time and place of meeting of the legislature ; but they could only hope for some indulgence and attention to the ease and conveniency of the subject.

The governor replied, that since the house were pleased to take notice of the transactions of another assembly, he was under a necessity of informing them, that if the aid bill they had offered had not been clogged with clauses inconsistent with the king's prerogative, he would heartily have given his assent to it ; he informed them, that on the contingency of an aid being required, he would not pass the bill granting it, if the house persisted in clogging it with clauses foreign to the aid.

He added, that a former assembly had voted, that the town of Newbern, the most central in the province, was not a proper place for the meetings of the legislature, and he thought Wilmington was the most proper place, while the operations of the war were carried on in the south, to obtain early intelligence of occurrences that might require immediate attention ; and no prorogation would have been necessary, if the members had thought fit to obey the king's instructions, as to the quorum.

On the 10th of April, the governor communicated letters from Sir Jeffry Amherst, and governor Fauquier of Virginia, mentioning their expectation of an aid from the province ; and although he had not yet received the king's command, for the raising of any particular number of men, or any requisition in money, he was advised by the council to lay the letters before the houses, and recommend that they might consider of the most proper

fund to answer the immediate call, so that, on the arrival of the king's orders, which were hourly looked for, no time might be lost and the bill be perfected with expedition.

The house came to a resolution, that it was too late to raise any force to march against the Cherokees.

They informed the governor, that the provincial funds were exhausted, and a large debt had been incurred by the zeal the colony had already manifested for the king's service, and the only means of affording further aid, would be to issue bills of credit, to be sunk by a poll tax.

The governor replied, that there were several sums of money unappropriated, in the hands of the collectors of the powder duty, which might be applied to present contingencies, and be replaced by a tax to be laid to answer future contingencies; but the house informed him, that the moneys arising from the powder duty, had been appropriated to the finishing of forts Johnston and Granville, and the improvement of the navigation of the ports of Beaufort, Bath, Roanoke, Currituck and Brunswick; that the receivers had been directed to account with the commissioners of navigation, and it appeared, from the returns of the commissioners, that there will remain but a trifling sum, after the intended purposes are answered.

A bill was introduced, for granting an aid to the king of sixteen thousand four hundred and ninety-four pounds, for raising clothing and pay for five hundred men, exclusive of officers, and for appointing an agent for the province; after its second reading, the governor informed the house, by message, that he could not assent to any aid bill to which any clause, foreign to it, was

tacked, such bills being unconstitutional ; that it was contrary to his instructions, derogatory to the prerogative of the crown and indecent in the assembly, to oblige the king to withhold his negative from a clause disagreeable to him, or lose the benefit of the proffered offer of an aid.

He added, that as he had often declared that he never had any objection to the house appointing an agent, in concurrence with the council, whom he could approve of, so he never would allow of any person to be imposed upon him or the council, after repeated refusals ; but as he had no objection to the person named in the bill, Couchet Jouveniel, if they would make the appointment, by a separate bill, and the council concurred, he would pass it immediately after the aid bill, to which he would always give the preference.

He recommended, for the good of the province and the satisfaction of their constituents, that a poll tax be laid for the redemption of the bills intended to be emitted, to commence as early as possible, to avoid a further depreciation of the currency.

The house, in answer, declared themselves unable to comprehend how the appointment of an agent, in the mode intended by the house, was unconstitutional, or at variance with the prerogative of the crown, or any instruction of the king of which they had any knowledge, or that it could be either disagreeable to the king or take away his negative on bills. They added, that in the present case, the appointment was far from being absolutely foreign to the object of the bill ; that even if the purpose of the clause to which the governor objected, was not specially stated in it, the passage of the bill could not be fairly construed to be forbidden

by any of the king's instructions against passing bills with clauses foreign to the title.

After the third reading of the bill, the house, with a view to avoid any appearance of inconsistency in removing Anthony Bacon, resolved, that their principal motive was a sincere desire to show their zeal and loyalty to the king; in granting an aid, so forcibly and earnestly recommended by the commander in chief of his forces in America, which they deemed their bounden duty to do, as the governor had declared his determination to pass no bill with the name of Anthony Bacon in it, but would assent to the appointment of any other person.

It was thought necessary to borrow the remainder of the glebe and school moneys, after the payment of the judges, to meet the expenses of the legislature, the claims of scouting parties on the frontier and other public demands: this was done by a resolve of the houses, directing the reimbursement of the loan out of the tax for the contingent fund.

The aid bill, besides the appointment of the agent, provided for an emission of twelve thousand pounds of bills of credit, made a tender in all payments; the Indians, taken in the war, were declared the absolute property of the captors; rewards were offered for the scalps of those killed in battle; a poll tax of two shillings was laid, for the redemption of the paper emitted, to commence in the year 1764 and continue till the whole emission was thus paid in and burnt.

A lottery was granted for the improvement of New river, in the county of Onslow; and the powder duty, in the port of Currituck, was converted into a pecuniary

levy for the improvement of navigation between the inlet of that name and Albemarle sound.

In assenting to the aid bill, the governor testified his gratitude for a supply, in the critical state of affairs and distressed state of the province, as large as the most sanguine expectation could have anticipated, but added, it would have given him a double pleasure, if the house had allowed him the satisfaction of signing it, unmixed with the regret of departing from the instructions of his sovereign, and becoming an accomplice in the encroachment upon the prerogative of the crown, of which the house had been guilty; he said he would not have yielded, if a combination of circumstances had not contributed to influence his mind; a majority of his constitutional advisers had recommended his compliance, and when sitting as an upper house, had relaxed from their undoubted right; the assembly had formally disclaimed that of adding clauses to an aid bill, that might encroach on the prerogative of the crown, or place the king in the humiliating dilemma to lose his negative voice in the proffered aid; and he had agreed to concur with the appointment of the houses in a separate bill; to these all powerful considerations was added the pressing one to prevent wasting in debate the precious time, which every thing demanded to be employed in a co-operation with the king's forces, securing the possessions of France, and ensuring the peace and safety of those of Great Britain in America.

On his return from the council chamber, he issued his proclamation for the dissolution of the legislative body.

The reduction of Canada having enabled Sir Jeffry Amherst to send back the Highlanders to the relief of

the southern provinces, colonel James Grant, who had succeeded colonel Montgomery in the command of his corps, had arrived with it in Charleston, early in the year. The legislature of South Carolina, had determined to exert the strength of the province to the utmost, believing that, in conjunction with the regular troops, and aided by the neighboring provinces, so severe a blow might be struck, as would deter the Cherokees from any further attempt to molest the white people on the frontiers. Several parties of the Chickasaws were engaged as auxiliaries; and, although messengers were sent among the Creeks to induce them to co-operate with the British, no aid could be procured from that quarter, the warriors playing an artful game, and exciting, alternately, the hopes of the inhabitants of South Carolina, and those of the French, on the Mobile and Mississippi.

Early in the spring, colonel Grant had begun his march towards the Cherokees: his force in regulars, provincials and Indians, was about two thousand six hundred men.

He reached Fort Prince George, on the 27th of May. A fortnight after he began his march, a party of ninety Indians and thirty woodsmen, painted like savages, advanced in front to scour the woods. One hundred and fifty light infantry and fifty rangers, preceded the main body. The army had provisions for one month. Forced marches were made during the three first days, with a view to meet the open country. On the fourth day, on the occasional appearance of Indians on different sides, orders were given, for the first time, to load and prepare for action, and the guards were directed to march slowly on, and to double their vigilance and circumspection. The more frequent meetings of Indians, an-



nounced the approach of a decisive moment, as the army reached the spot on which colonel Montgomery had been attacked, the preceding year. The Indians in the van, about eight in the morning, spied a large body of Cherokees, posted on a hill, on the right flank of the army: they hardly had time to give the alarm, when the enemy rushed down and fired on the advanced guard; but, the main body rapidly advancing to their support, the Cherokees retreated to the hill. The army had to march for a considerable distance, between the hill and a river, from the opposite side of which, another party of the enemy kept up a brisk fire: sending a detachment to divide the party on the hill, colonel Grant made his army face about, and fire across the river: the engagement soon became general, and the Indians over the stream, keeping their ground and pouring in a heavy fire, the party on the hill, who retreated into the woods on the approach of the detachment sent to dislodge them, soon returned with increased numbers; and colonel Grant's troops, exhausted by fatigue, soon found themselves surrounded by the foe, galling them with a scattered fire. The Indians, when pressed, kept aloof, and rallying elsewhere, returned to the charge, always in a different direction. The battle continued in this desultory mode of warfare for two hours, when the van of the army was attacked by a fresh body of Indians, boldly endeavoring to seize on the provisions. Colonel Grant, at this distressful moment, was obliged to detach a part of his men to this vulnerable point. The apparent opportunity, which this division of the forces gave to the Cherokees, of reducing the main body, redoubled their fury: they made the woods resound with their yells and screams; but, the troops keeping close and continuing

their steady fire, the savages, towards eleven, gave way: they were pursued for some time; but towards two o'clock not an Indian was to be seen. Colonel Grant had sixty of his men killed or wounded: he could not ascertain the loss of the enemy. After sinking the bodies of the dead in the river, to prevent their being dug up and scalped, and destroying several bags of flour to procure horses for the wounded, the army proceeded to Etchoe, a large Indian town, which they reached about midnight. On the following day, they reduced it to ashes; and, proceeding into the middle settlements, fourteen other towns shared the same fate. Their provisions were destroyed, and corn fields laid waste; and after remaining thirty days in the neighborhood, spreading desolation and fire, the troops marched back to Fort Prince George, leaving the Indians to seek shelter and food on the barren mountains.

Soon after the troops returned to the fort, a number of Cherokee chiefs came and sued for peace. Colonel Grant, willing they should believe it was not to be obtained on any terms, insisted on, as one of the stipulations of the treaty, that four Cherokee Indians should be delivered up at Fort George, to be put to death in front of his camp, or that four green scalps should be brought to him within twelve nights. The chiefs declared their inability to assent to this stipulation, not being authorized by their nation, to accept peace on such terms as these; and the colonel sent them to Charleston, to see, whether lieutenant governor Bull would mitigate the rigor of it: a safeguard was given them. The chiefs met that officer at Ashley ferry, where he came to meet them, accompanied by the council of the province, and in a short time, a treaty of peace was concluded.

In the month of December, the lords commissioners of trade and plantations laid the court laws, passed in May, 1760, before the king and council, for the royal disallowance and repeal: they severely animadverted on governor Dobbs' conduct, in suffering these laws to have immediate operation, before the king's pleasure was known, thereby setting aside one of the fundamental privileges of the constitution of the British colonies: they stated, that the governor alleged in his justification, that he had given his assent to the laws upon the advice of the chief justice and the attorney general, and had procured a clause to be inserted in one of them, that, if the king did not confirm it within a certain time, it should, thenceforth, be null and void. The lords observed, that the measure itself, independent of the mode, was, in their opinion, so far from alleviating the governor's improper conduct, that it was a heavy aggravation of it. In cases of this nature, they added, it was the duty of every governor to act upon his own judgment, and if it were admitted that he could be absolved by the opinion of others from the obligations of obedience, to the instructions of the crown, by which the negative voice in the passing of laws, was regulated and restrained, the interest of the crown and mother country would depend solely, for security, upon the uncertain wills, interest and opinions, of any person the governor might think proper to consult.

The clause mentioned by the governor, to have been inserted at his instance, in one of the laws, was considered as so far from answering the intention of the suspending clause, that it was deemed, in construction and effect, the very reverse.

The representation of the lords commissioners concluded by suggesting, that, if the governors of the colonies were suffered to go on in such repeated acts of disobedience to the king's instructions, upon points, so essential to the constitution, the dependence of the colonies upon the authority of the crown and the just government of the mother country, already too much relaxed, would stand on a very precarious footing.

The laws were repealed by the king in council, and the lords commissioners of trade and plantations were directed to signify, to governor Dobbs, the king's high displeasure at his conduct, and to request him, for the future, to adhere more strictly to the king's instructions, relative to the passage of laws.

A stage, at this time, began to ply between Portsmouth and Charlestown. (Mass.) which is supposed to have been the first established in the British provinces.

Early in 1762, governor Dobbs received a circular letter from lord Egremont, acquainting him, that the king, having nothing so much at heart as to secure and improve the great and important advantages gained since the commencement of the war in North America, and having seen his good disposition, to restore the public tranquillity, entirely frustrated by the insincerity and chicane of the court of Versailles, in a late negotiation, and as nothing could so effectually contribute to the great and essential object of reducing the enemy to the necessity of accepting a peace, on terms of glory and advantage to the king's crown and beneficial, in particular, to his subjects in America, as the king being enabled to employ, as early as possible, such part of the regular troops in North America, as might be equal to a

great and important enterprise, he was directed to signify to him the king's pleasure, that the better to provide for the full and entire security of the American provinces, and particularly of the territories lately conquered, during the absence of part of the regular forces, he would use his utmost endeavors and influence with the council and assembly, to induce them to raise, with all possible despatch, as large a body of men as the population of the province might allow; as far as should be found convenient, to form them into regiments and direct them to hold themselves in readiness, as much earlier than in former years as might be, to march to such places in North America, as the commander in chief, or such officer as might be appointed to the command of the king's forces there, would direct; and the better to facilitate this important service, the king was pleased to leave it to him, to issue commissions to such gentlemen, in North Carolina, as he might judge, from their weight and credit with the people and their zeal for the public service, to be best disposed and enabled to quicken and effectuate the speedy levying of the greatest number of men.

The men, to be thus raised, were to be supplied by the crown with arms, ammunition and tents, and provisions were to be issued by the commissary of the troops, in the same proportion and manner, as to the rest of the king's forces. All that was required from the province was to levy, clothe and pay the men; and, in order that no encouragement might be wanting to the fullest exertion of their strength, lord Egremont mentioned, that the king had permitted him to acquaint the governor, that strong recommendation would be made

at the next session of parliament, to grant a compensation proportionate to the active vigor and strenuous efforts of the respective provinces.

The governor was directed to collect and put into the best condition, all the arms, issued during the last campaign, which could, by any means, be rendered serviceable.

Similar orders were given to the governors of Pennsylvania, Maryland, Virginia and South Carolina.

Sir Jeffry Amherst, having been directed to complete the regular corps serving in America, by recruits to be raised by the several provinces, made application to governor Dobbs for the quota to be furnished by North Carolina, which, agreeably to the proportions of the other provinces, was fixed at one hundred and thirty-four. Sir Jeffry added, with a view to render the service effectual, it would be required, that each province should provide for replacing such of their men as would desert, a circumstance which, when known, would prevent any of them from leaving their corps, since they could expect no protection at home.

Governor Dobbs lost no time in summoning the legislative body. It held its first session at Wilmington, on the 13th of April. After announcing the late nuptials of the sovereign, the success of the British arms in the West Indies and the capture of the island of Martinico, and laying before them, the despatches, which had induced him to issue his proclamation for an early session, he recommended to the lower house, as they should answer it to their constituents and posterity, to testify their zeal, with unanimity and despatch, by raising as large a quota of troops as the province could bear, and as-

sist the king to terminate with honor, a war undertaken at great expense, to defend, and procure a lasting peace and future safety to, his American provinces.

He expressed his hope, that the supply might be levied without a heavy tax, or issuing notes to depreciate the currency, and advised that a loan might be raised by subscription, and that the people might not be more burdened than by a small tax, sufficient to discharge such reasonable interest, as might insure the loan, till the money, arising from the late or future parliamentary grant, might discharge it.

He recommended a strict investigation of all public accounts, a revision of the inspection laws and the allowance of premiums on valuable objects of imports; and as the distresses of the time had retarded the establishment of public schools, he proposed, that the vestry in each parish might be authorized to raise a limited sum, sufficient to pay a parish clerk and register, qualified to act as a schoolmaster and reader, where clergymen could not be had, to prevent the increase of sectaries, idleness and profaneness.

The lower house replied, that they should ever look, upon the interest of their constituents, as the object of their unwearied attention, and would always have the most tender regard for the welfare of their posterity ; but they were obliged to acquaint him, that they thought the raising of troops, further than for the defence of the sea coast, a measure in nowise calculated to please the one, or benefit the other : for, although they had the greatest veneration for the best of kings, and trusted the province

had already given the most convincing proofs of attachment, to the honor and dignity of the crown, during the prosecution of the war; yet, they were sorry to observe, they could not, without reducing the people to the utmost distress, add to the accumulated and intolerable load of tax they groaned under: they added, that the statement of this circumstance, singly and of itself, would justify them in declining a compliance with his requisition; but, with concern, they were obliged to say, that, if they might form a judgment from the past, they had but little encouragement to hope, that any supply they might grant would much contribute to the service of the king, or the advantage of the province.

For these reasons, they flattered themselves with the hope of his concurrence in the belief, that to raise troops under the actual debility of the province, would have fatal effects, and drive the people, already impatient of their sufferings, to the brink of despair, and hoped he would have so good an opinion of them, as to attribute their refusal, to these and no other motives.

They said they had been sensible of the necessity, at all times, to take care that the public accounts should be critically examined, and assured him nothing in their power would be wanting, that might tend to give the utmost satisfaction on that head; and that nothing could add to the sense they had, of the necessity of supporting schools, and giving every possible encouragement to trade.

Soon after receiving this address, the governor issued his proclamation, for proroguing the legislature to the following day.



His speech, at this meeting, was directed to the lower house only, the upper house having, in their address, promised to concur with the other branch of the legislature, in a bill for carrying the intentions of the king into effect.

He observed, that the house had gone too far in the expressions of their sentiments, to allow him to hope, that they might retract them easily, at the same meeting; and he had prorogued them, with the view of affording them a better opportunity of re-considering them in a second.

He laid before them two authentic gazettes, from Virginia, by which it appeared, that the legislature of that province had complied with the requisitions of lord Egremont and Sir Jeffry Amherst, with unanimity, alacrity and despatch. He added, that, as he found all the other provinces willingly submitted to the king's demand, it grieved him, and it would every loyal breast in the province, that they alone should prove refractory.

He hoped, that when they would seriously consider the situation of affairs, in Europe and America, and that a powerful enemy, the king of Spain, was raised against Great Britain, who endeavored not only to prevent the king's further acquisitions, from a deceitful and perfidious enemy, but also to deprive him of all the conquests he had made, and of the laurels and trophies, gained by his armies, with an expense of eighty millions, they would think, that their obstinacy would lessen them in the eyes of all the king's subjects, and they would forfeit the honor they had already obtained, in hitherto assisting their sovereign, to the utmost of their abilities.

He concluded, by conjuring them to preserve the good opinion and esteem, the king had for them, and, forthwith, to repair to their house, and reconsidering the letters and papers laid before them, come to an immediate resolution, whether they would comply with the king's request, so that they might proceed to other business with despatch, or, in case they refused, that he might dismiss them to their private affairs, which, in that case, they would seem to have more at heart, than the public service.

The house resolved itself into a committee of the whole, and, after sitting a considerable time, the committee reported, and the house voted, that, the province being already burdened with a heavy debt, incurred by several grants for the king's service, during the war, and the inhabitants impoverished thereby, it was impossible to comply with the demands on them, communicated in the governor's speech.

The committee, appointed to correspond with the agent of the province, communicated letters from that gentleman, announcing the repeal of several late laws of the general assembly: among others, the court laws and those for improving the navigation of the province. This information excited considerable uneasiness; and governor Dobbs improved the opportunity, which he thought this dissatisfaction would create, to impress on the house, with some success, the necessity of avoiding to excite the resentment of the crown, by persisting in the determination of refusing the required aid. He accordingly, issued a proclamation for proroguing the assembly to the next day. He again addressed the lower house only, telling them he had once more, by a short prorogation, afforded them the opportunity of re-con-

sidering, in a third meeting, the king's demand of an aid of men, since the house might be sensible, from the late communication from the agent in London, that the king could and would confer, or withhold favors from them, as they refused or complied with his requests.

The house expressed their sorrow at the the trouble the governor had twice taken, of giving them the opportunity of re-considering the requisitions he had made, when he first met them. They begged his leave to assure him, that what he had then said, had been most maturely considered, and the consequent determination taken, after great deliberation; and they were to acquaint him, that the motives, which induced that determination, still prevailed with them, to adhere to it.

They declared themselves sensible, that the king could, and no doubt would, confer favors on those who, to the utmost of their ability, supported his government; and they entertained no doubt, that he would hear of the many and large grants made by the province, particularly, of the last twenty thousand pounds, and of the impoverished state of the inhabitants of the province, and would think that they, in some measure, merited his favor.

The governor was authorized, by a resolve of the two houses, to raise twenty-five men, including officers, for each of the forts at Ocracock and Cape Fear, and to draw warrants on the treasurer for the expenses attending their service, payable out of the fund appropriated to founding schools, and to be replaced by a tax to be laid for that purpose.

The upper house manifested a disposition to show their displeasure against the lower house. Contrary to their accustomed practice, they appointed committees

of claims and accounts, of their own house, instead of appointing gentlemen, out of their body to form these committees with those appointed by the lower house. The lower house complained of this innovation, and, were informed by message, that the upper house looked upon it as their undoubted and constitutional right, to pass upon public accounts and claims, and to appoint committees on their behalf; it was observed, that although it had been customary, and found convenient, for the ease and despatch of public business, for their committees to sit at the same time and place, and with the committees of the lower house, it could not be, hence inferred, that their committees were not separate from, nor equal in rights to, those of the other house, and had not authority to meet, debate, and report separately. This message and another that followed it, were signed by the clerk of the upper house, instead of being signed by the president, and countersigned by the clerk.

The lower house desired, that for the future, all messages from the other house to them might be signed by the president, agreeable to the old accustomed practice, otherwise they could not receive them; they said, the separate committees were not only new and unconstitutional, but impracticable; for neither the money paid in to be burnt, nor the vouchers of accountants could with safety be transmitted from the committee of one house to that of the other.

The upper house forbore sending any further message to the other, during the rest of the meeting.

The upper house, the other, although invited, declining to join or say they would not, addressed the king.

They began by expressing their joy at the remarkable success of the king's arms, and giving assurance of

their firm and loyal attachment to the sovereign, his family and government ; they begged leave to represent, that the inhabitants of the province had, for several years past, been subjected to great difficulty and distress, for want of a proper place established as the seat of government.

They observed, that Tower Hill, the place chosen for that purpose in 1758, was found of difficult access to several of the inhabitants of the province, and no probability appeared of its being inhabited by a sufficient number of families to accommodate, with any degree of conveniency, the officers of government, the members of the legislature, or the persons who had business to transact with them.

Receiving it in charge from their constituents, to use their endeavours to obtain a redress of this inconvenience, and having examined the situation and extent of the province, and the people who were settled in the different counties, they suggested the propriety of fixing the seat of government in the town of Newbern, and implored the king to repeal the act for fixing it at Tower Hill, and signify his approbation of its being fixed at Newbern, promising to erect a governor's house there, and such suitable public buildings as the king's service might require.

On the 29th of April, governor Dobbs addressed the two houses ; he thanked the upper one, for the zeal they had manifested, and their readiness to concur in every measure calculated to promote the king's service.

He expressed to the other the great concern he felt in being obliged to represent to the king, the little regard they had shown for his warm and pressing demand for an aid ; he added, he should animadvert on this irregular conduct, and on the little attention they had paid to his

recommendation of passing laws to promote trade and the education of youth, and he would then leave it to their constituents to determine, whether they had acted for the welfare, safety and honor of the province.

He observed, that on their first meeting, when no time was to be lost in taking the king's orders into consideration, they had acted in opposition to his prerogative and instructions, by refusing to proceed to business, until a majority of the whole appeared, thus not only denying the king's right, but putting it in the power of a few members combining together to dissolve the assembly.

He said, that by the great opposition they had made, and refusing the aid to the king, they had, as far as was in their power, delayed and prevented their country from having a speedy and honorable peace, and well deserved, by their ill judged parsimony, the censure of their constituents.

He took notice of the letters of the committee of correspondence to the agent and his answers, about which, it appeared, that the members named by the upper house had not been consulted, and from which it seemed, that the principal object was to complain against him, for the frequent meetings, prorogations and dissolutions of the assembly, which had exhausted the public chest, in the payment of the members and officers of the legislature.

He complained that, contrary to the accustomed usage, the agent had been ordered to direct his letters to the late speaker, instead of addressing them to the committee of correspondence, enclosed under cover to the governor, so that the speaker might suppress any

letter disagreeable to him, and thus become the sole director of the committee.

He said, that it became his duty, that he might avert any future cause of complaint, to forbear passing any bill, and put an end to their meeting, without making it a session, which would save to the public the expense of their attendance, so much complained of.

He concluded, that on account of the disrespect they had shown to the king, and the little care they had taken to defend their country, he could not think of meeting them again, but must appeal to their constituents to judge of and censure their behaviour; he accordingly dissolved the assembly.

The governor, in the mean time, directed the one hundred recruits, required by Sir Jeffrey, to be raised and marched to New York. To meet the necessary expense of this service, he drew on the agents for two hundred pounds sterling.

In the latter part of the summer, official accounts of the repeal of the court laws reached the province, passed in 1760, and of the act for the improvement of the navigation from Currituck inlet; the causes of the repeal of the former laws have been already stated; the latter was objected to, as it altered and repealed, as far as regarded the port of Currituck, an act passed in 1754, laying a tonnage duty of powder and lead, for the defence of the province, on every vessel entering any of its ports, to which it substituted a duty of two shillings and six pence per ton, in money; the alteration was deemed not only improper and impolitic in itself, but inconsistent with the instructions, given from time to time to the governors of the several colonies in America, requiring

them to endeavour to procure laws for imposing a tonnage duty in powder, on all vessels trading there, payable in kind, without any commutation.

The lords commissioners of trade and plantation, expressed their disapprobation of an act, which had been assented to by the governor, and had already had its effect, authorizing a lottery for the improvement of the navigation of New river; a mode of raising money, which, they observed, ought never to be countenanced nor admitted in the British colonies, where the nature of the constitution did not embrace the regulations and checks, necessary to prevent fraud and abuse, in a matter so peculiarly liable to them. The lords also expressed the great concern they felt, in observing, that the lower house had availed themselves of the necessity of raising money, in the month of April, 1761, for the public service, to tack a clause, for the appointment of an agent, to the aid bill; they said, the irregularity of this practice, and the many evils and inconveniencies which must necessarily flow from it, were too obvious to need any animadversion, and they desired governor Dobbs, when the appointment of Couchet Jouvencel should expire, to recommend to the houses to pass a separate bill for the appointment of an agent, and not to consent, upon any pretence whatever, to an appointment made in any other manner.

The necessity there was for the immediate establishment of courts of justice, induced the governor to issue writs of election, and the legislative body was convened at Newbern in the first days of November.

The governor congratulated the houses on the late success of the British forces in the West Indies, by the capture of the islands of Cuba and Grenada, which in-



sured to the king all the trade of the northern coast of Spanish America, and was the earnest of a speedy and honorable peace. He observed, that the immediate object he had in view, in calling them together, was to lay before them the repeal of the court laws, which he was about promulgating by proclamation, and of the other minor acts, which had also received the royal disallowance.

He said, he would lay before them the reasons which had induced this exertion of the prerogative of the crown, and he hoped they would be convinced, they could not promise to themselves any advantage, by an opposition to the king's just rights and a disobedience to his instructions; he alluded to the severe reprimand, his too ready compliance with their solicitations had brought on him, and assured them, that for the future, if any clause contrary to any of the king's instructions was introduced in any bill, he should certainly reject it, however important and proper it might appear in other respects.

He besought them to bestow their immediate attention on the establishment of courts of justice, to promote the establishment of schools, amend the inspection laws, and allow premiums on the exportation of hemp and flax.

He concluded by observing, that as he had not the king's command to require any aid, it would suffice to lay a small tax, to meet the contingent expenses of the province, and support the garrisons or forts, for the security of commerce and the protection of the king's stores, at the approaching end of the war.

A bill was introduced in the lower house, dividing the province into five districts, Edenton, Newbern,

Wilmington, Halifax and Salisbury, establishing a superior court of law in each, to be held in the four first districts by the chief justice, and in the latter by an assistant judge.

The upper house, on the second reading, expunged the clause for the appointment of the assistant judge for the district of Salisbury, and introduced one for that of two associate justices for the whole province; and another, providing for courts of oyer and terminer, to be held by such commissioners as the governor might from time to time appoint. These alterations were negatived in the lower house. On the third reading, the upper house insisted on their amendments; they observed, it was highly improbable, that the chief justice could attend the courts of four districts with regularity, even if no accident happened that might detain him at home; that the moderate provision made for the assistant judge of the district of Salisbury, and the liberty allowed him to practice as an attorney in the courts of other districts, were liable to many and palpable objections; that the king had, by his prerogative, the right to appoint at pleasure courts of oyer and terminer, and direct commissions to any person he pleased; a right which had never been contested as productive of any bad effect to the subject, and although he needed not the authority of an act to exercise this prerogative, it was doubted whether such courts could enforce the attendance of jurors.

The lower house admitted the advantage which the province would derive from having associate justices, and would rejoice to obtain such officers, if it could be done on a footing that would allow the probability of their answering the end of their appointment; but they

believed it better to submit to all the inconveniences mentioned in the message of the upper house, than to run the risk of having men obtruded upon them, strangers to their laws, holding their offices on the precarious tenure of the pleasure of the commander in chief. They offered to concur with the amendment relating to courts of oyer and terminer, provided the governor should be authorized to grant commissions for holding those courts to the chief justice and assistant judge; they declared themselves willing to increase the salary of the assistant judge, and saw no inconveniency in allowing him to act as an attorney out of his court, a practice not uncommon in the mother country.

The upper house next proposed to pass the bill, if to the clause appointing the assistant judge of the district of Salisbury, one was substituted, providing for the appointment of an associate justice for the whole province, with as handsome salary and equal powers as those of the chief justice; and on the refusal of the upper house to concur with this proposition, the bill was rejected.

Another was then introduced, passed both houses and received the governor's assent, establishing a court, to be stiled the superior court of justice, in the districts of Edenton, Newbern, Wilmington, Halifax and Salisbury, to be composed, in the first four districts, of the chief justice and one associate, appointed for each district, and in the latter district, of the chief justice and an assistant judge. The sessions of the court were to be semi-annual; the chief justice was allowed twenty-six pounds for each court he held, besides fees, and the assistant judge twenty-five pounds, the associate justices were to receive neither salary nor fees, except

when holding the court in the absense of the chief justice, when they were to receive twenty-six pounds. No suit was allowed to be brought in the superior court in cases in which the sum in dispute was less than ten pounds. The act was to be in force for two years.

An inferior court was established in each county, composed of justices of the peace; it was to be held quarterly, and its jurisdiction was confined to personal actions, wherein the sum claimed was more than four and less than twenty pounds. The act establishing it was limited in its duration to the same period as the superior court act.

While the bill was on its second reading in the upper house, it was amended by the insertion of a clause, providing, that a part of it, inflicting a penalty, in a certain case, should not be construed to extend to persons, qualifying under a general commission of the peace. This amendment was stricken out in the lower house, and when it was on the third reading in the upper, the reinstatement of the amendment was insisted on. The lower house replied, that the amendment was unnecessary, as they knew of no such commissions in use in the province, the introduction of them could have pernicious consequences, and they were of opinion, that they were against law.

The upper house, in a second message said, they, saw, with surprise and concern, a manifest want of decorum and decency in the language of the lower house, in taxing them, as a branch of the legislature, with insisting upon the introduction of commissions

unknown, contrary to law and pernicious in their consequences, charges, which they could not pass over in silence, while they were convinced, that the house could not be ignorant, that general commissions, to enable the members of the king's council and the officers of the crown, to act as conservators of the peace, in the several counties of the province, were neither unknown, contrary to law nor pernicious in their consequences: they insisted on their amendment.

The lower house expressed their sorrow, that their message should have been so misunderstood, as to be thought void of decency and decorum; and if the mode of expression alone was to justify the singular complexion of the message of the upper house, they despaired of ever being able to avoid the imputation of a want of decency or decorum.

They expressed their full satisfaction, that general commissions, to enable the members of the king's council and the officers of the crown to sit as judges of the inferior courts, were not only altogether unnecessary, but as they could be of little benefit, and might be prejudicial to the public; they thought the introduction of them ought to be avoided. It was needless to make it a question, whether they were against law, no part of the bill tending to invalidate them, and, if they should be against the constitution (and the house thought they were) it would be improper to give a sanction to them: they therefore, declined reinstating the clause.

The upper house disclaimed any intention of obtaining any sanction for general commissions, or of

sitting as judges of any inferior court, without first qualifying in the mode prescribed by the bill; they said, that such commissions had been in use in the province as well as in many others, and required no sanction, but that of the prerogative from which they flowed: they only insisted that the persons, acting under them, should not be liable to the penalty. They proposed, that the expression should be varied and the clause declared not to be construed to extend to members of the king's council, secretary, attorney general, &c., qualifying in council under a general commission of the peace.

They added, that they had been induced to send this second message, solely from a consideration of the utility of the bill, and, if the house did not choose to concur, after this explanation, they hoped they would not, in the judgment of unprejudiced persons, be blamed for the fatal effects that might flow from an ill judged obstinacy.

The lower house proposed, that, the section, to which the clause was proposed to be added, should be wholly stricken out, or be confined to justiees of the inferior courts, or justices of the peace for any county in the province.

They observed, that, as either of these alternatives would clearly and fully exempt general commissioners of the peace, when properly established, from the penalty to which ordinary justices of the peace, misbehaving themselves might be subjected; they hoped the upper house, if they did not accede to one of the propositions, would offer some other mode, which did not obliquely ratify a commis-

sion, which, it was believed, had not, and for any thing that was known, would never have an existence.

They concluded, that whatever might be the consequence of the dispute, they would have the satisfaction to think it had not its rise with them, and doubted not, that, if the bill miscarried, every unprejudiced person would easily distinguish between abetting and opposing a measure, that must be confessed a novelty in the constitution.

The altercation ended by an acceptance, on the part of the upper house, of the second alternative.

Provision was made for the establishment of an orthodox clergy, and encouragement held out to pious and learned ministers to settle in the province. An act was passed, introducing valuable improvements in the management of the estates of orphans and the care of their persons; the negotiability of promissory notes, the relief of poor debtors, the extension of public roads and the destruction of vermin.

The county of Anson was divided, and the upper part of it erected into a distinct county, to which the name of Mecklenburg was given, in honor of the new queen.

A number of stores had been established at a commodious landing, on the north side of Neuse river, in the lower part of the county of Dobbs; and, at the request of individuals who had removed thither, a town was established on this convenient spot; it was called Kingston, a name which, after the revolution, was imagined would be rendered

more agreeable, by being deprived of its fourth letter.

The trade of the counties of Anson and Rowan, which began to increase, was observed to center in Charleston, with a view to prevent a division of the wealth of this part of the province, and cause it to flow down towards Wilmington, a town was established on the north west side of Cape Fear river; it was called Campbelton. This is one of the very few instances, in which the expectations of the legislature, in establishing a town, were not deceived. The spot afforded a convenient landing, the stores, however, were chiefly built at the distance of one mile from the river, at a place called Cross creek. In the year 1784, the place was called Fayetteville, in compliment to a French nobleman, who distinguished himself by his zeal for the American cause, during the revolutionary war.

The houses united in an address to the king, for the removal of the seat of government from Tower Hill to Newbern, a measure in which, however, they were far from being unanimous. In the upper house John Rutherford, Lewis Henry, de Rosset and John Sampson, protested against the resolution for concurring with the other house.

The protest admitted the propriety of removing the seat of government from Tower Hill; but denied the expediency of fixing it, for the present, at any place, more particularly at Newbern; for, the southern boundary of the province being, as yet, unascertained, and the territorial controversy with South Carolina not likely to be soon terminated, the

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step appeared precipitate, and perhaps indecent, while the contested points were soon to be laid before the throne, for the royal determination. The impropriety of fixing the seat of government was in their judgment glaring, the town of Newbern, being neither central nor on the best navigation, and deficient in good water.

The measure was carried in the lower house by a very small majority, and in the other by the casting vote of the president, James Hasel. The members who voted for it, were Richard Spaight, Henry E. M'Cullough and Alexander M'Cullough.

The definitive treaty between their Britannic, most Christian and Catholic majesties, was signed at Paris, on the 10th of February.

On the 5th of March, a charter was granted to the town of Wilmington, its precincts and liberties, constituting a borough, with a mayor and aldermen's court, having a limited jurisdiction of suits between the inhabitants and transient persons, not residing in the province; with other privileges. The same favor was afterwards granted to the towns of Newbern, Edenton and Halifax.

As the removal of the French and Spaniards from the vast extent of country which extended between the province of Georgia and the river Mississippi, which were now ceded to Great Britain, caused an alarm and increased the jealousy of the neighboring tribes of Indians, the ministry thought it indispensably necessary to take the earliest steps to prevent their receiving any unfavorable impression, to gain their confidence and good will, without which, it would be impossible for the nation to reap the full benefit of its acquisitions in that part of the

world. It was believed the French and Spaniards, in Louisiana and Florida, had long, and too successfully, inculcated an idea among the Indians, that the English entertained a settled design of extirpating the whole Indian race, with a view to possess their lands; and that the first step towards carrying this design into execution, would be to expel the French and Spaniards, the real friends and protectors of the Indians. With a view of preventing the ill effects of those suggestions, the governors of Virginia, the Carolinas and Georgia, were directed, without loss of time, to invite the chiefs of the Creeks, Choctaws, Chickasaws, Cherokees and Catawbas, to a meeting with them and the superintendant of Indian affairs, for the southern department at Augusta, in the province of Georgia, to apprise the Indians, in the most prudent and delicate manner, of the change which was about to take place. It was recommended in doing this, not only to avoid every expression which might awake the fears, or point out the dependence of the Indians upon the British, but to use every means to quiet their apprehensions and gain their good opinion.

For this purpose, the governors were directed to recur to the original causes of the war with the French, to mention and dwell upon the several cruelties they exercised during the course of it, the arts they employed, the groundless stories they propagated among the Indians, in order to excite their jealousies, to alienate their affections from the English and to provoke them to commit such violences, as the king was at last compelled to resent: that, by the same insidious arts, they had so far wrought upon the credulity of the Spaniards, as to involve them in their quarrel and its consequences; that, through the special favor of providence, the wisdom of

the king and the courage of his troops, all their mischievous practices had been discovered and defeated.

They were advised to impress on the minds of the Indians, that in order to prevent the revival of such disturbances and troubles, by repetitions of the same dangerous proceedings, the king had found himself obliged to insist, in the treaty of peace, that the French and Spaniards should be removed beyond the river Mississippi, to the end, that the Indians and his people might, hereafter, live in peace and brotherly friendship together; and that the English felt a particular satisfaction in the opportunity, which their successes afforded them, of giving to the Indians the most uncontrovertible and substantial proofs of their good intentions and cordial desire to maintain a sincere and friendly correspondence with them: that those proofs would consist, first, of a total forgiveness and oblivion of all past offences, fully persuaded that they were entirely owing to the deceiving arts of the French and no ways to be attributed to any ill will in them; secondly, of opening and carrying on as large a traffic with them as would supply all their wants: thirdly, of a constant attention to their interests and a readiness, upon all occasions, to do them complete justice, and lastly, of the most solemn assurances, that those forts, now ceded to the king, by means of which the French really did intend to subvert their liberty, and accomplish these evil designs which they imputed to the English, should never be employed, but to protect and assist them and to serve for the better convenience of commerce and the cultivation of friendship and good will between them and the king's subjects.

The minister added, that should the Indians retain any jealousy or suspicion, that the forts, situated in the heart of their country, such as Alabama, Tombigbee and fort Loudon, might be made use of for purposes unfavorable to them, and expressed a desire, that they should be demolished, he made no doubt, but that their representations, on that head would be most graciously received and that the king would readily comply with any reasonable request of theirs, in order to give the most satisfactory proofs of his intention to fulfil the friendly declarations which his governors were instructed to make, in his name, to the Indians, of the sincerity of which, it was highly important, they should be convinced, in order to prevent those evils, which would necessarily happen, if their thorough confidence in the king's government was not established on a solid and secure footing.

In order to try every possible method which might contribute towards this object, goods, to the amount of five thousand pounds sterling, were purchased and shipped towards Charleston, to be distributed in presents among the Indians, at the intended meeting at Augusta.

In the latter part of the spring, the king's proclamation was published in America, for the establishment of the provinces of Quebec, East and West Florida.

On the 5th of April, a resolution was introduced into parliament, for a stamp act in America. The minister, however, withdrew the resolution, to allow time for the colonists to petition against it, when brought forward at the next session.

On the 9th of July, lord Egremont addressed a circular letter to the governors of the American provinces,

informing them, that it appearing, that the public revenue had been greatly diminished and the fair trader much prejudiced, by the fraudulent method, used to introduce, into the king's dominions, on the continent of America, contrary to several statutes of the British parliament, commodities of foreign growth, in national as well as foreign bottoms, by means of small vessels, hovering on the coast, and that this iniquitous practice had been carried on to such an extent in America, it had been found necessary, at the last session of parliament, to pass a statute for the improvement of the king's customs, the encouragement of officers making seizures and the prevention of the contraband trade, by which the former statutes, on these subjects, were enforced and extended to the British dominions in all parts of the world, and the king having it extremely at heart to put an end to all practices of this nature, by a punctual and vigorous execution of the laws, made for this salutary purpose, and having ordered, that the most effectual steps should be taken for obtaining that end, the commanders of his ships, stationed in America, would be vested, for the future, with the necessary and legal powers, from the commissioners of the customs, to carry into execution the several statutes, relating to the seizure and condemnation of any ship that should be found transgressing against them. The governors were requested, not only to co-operate with, and assist to the utmost of their power, the commanders of the king's ships, in the execution of the powers and instructions, given them by the commissioners of the customs, but to use their utmost endeavors, by the most assiduous and impartial execution of the laws, to put

an effectual stop to the clandestine running of goods into any part of their respective governments.

In the conclusion of this circular, lord Egremont observed, that it was incumbent on him to say, that the king would not pass over, unnoticed, any negligence or relaxation, on the part of any person employed in his service, on a matter on which he laid so much stress, and in which the fair trade of all his subjects was so especially entrusted.

After the peace, the Reverend Joseph Alexander, D. D., a minister of the presbyterian church, removed from Pennsylvania to South Carolina, and was eminently instrumental in planting churches, both in this province and in North Carolina, at that early period of the settlement of the back country, when both provinces were in a very destitute condition, with respect to religious instruction.

In the fall, governor Dobbs sat off for Augusta, in order to attend a congress of the governors of the southern provinces. During his absence, the government of the province devolved on James Hasell, the counsellor first named in the king's instructions. This gentleman qualified as commander in chief, on the 15th of October.

The Creek, Choctaw, Chickasaw, Upper and Lower Creek, and Catawba nations of Indians, sent some of their chiefs to Augusta, where a treaty was concluded, and their respective territorial claims adjusted, the boundaries of their lands ascertained, and regulations adopted to secure the trade and good understanding, between the red and white people.

Governor Dobbs, on his return to the province, met a new legislative body, on the 3d of February, at Wilmington. After communicating to the houses, the

success of his journey to the province of Georgia, he informed them, that having no orders to require any aid, he had only to recommend, that the men raised for Fort Johnston and Fort Granville, might be kept in pay, to take care of the forts and stores, until the king gave orders for their being garrisoned by regular troops. He drew the attention of the legislature, to the great quantity of worn out, defaced and counterfeited bills in circulation: and recommended an emission of paper money, by which the former bills might be taken out of circulation and replaced. He deplored the great want of clergymen in the parishes; twenty-four out of thirty, being without a minister, and recommended, that the salary of clergymen might be levied in all, even those that were unprovided with one, in which the money thus raised, might be appropriated to the purchase of glebes and the erection of churches. He again urged the allowance of a bounty, on the exportation of hemp and flax.

The lower house replied, that an emission of paper money would be attended with a considerable expense, and it would suffice, if the sheriffs and treasurers were to exchange such ragged and torn bills as might be offered to them, and these were burnt at the meeting of the legislature. They admitted the great want of clergymen; but added, sufficient provision was already made, in proportion to the ability of the people; and there were large sums appropriated for the purchase of glebes and the establishment of schools, under a suspending clause, until the king's pleasure was known, which had been borrowed for the service of the late war, and since, in part, for contingencies.

The governor laid before the house a letter from lord Egremont, of the 27th of November, 1762, directing him to express to the assembly, his high disapprobation of their conduct, and undutiful behaviour in obstinately persisting to refuse any aid, or to raise men for recruiting the troops, whereby they had incurred the king's displeasure. The letter concluded, by communicating the king's approbation of governor Dobbs' resolution, to raise the one hundred and thirty-four recruits required by Sir Jeffry Amherst, notwithstanding the assembly had refused to concur in any measure for that purpose.

In the message, by which this letter was communicated, the governor expressed his hope, the house would approve of his having advanced his money, for a service which was so agreeable to the king, and the drafts for four hundred pounds sterling, which he had drawn upon the agents in London, for his own reimbursment. The house resolved, *viva voce*, that they could not approve of the governor's drafts.

On the third reading of a bill, for defraying the expenses of the members of the legislature, the lower house substituted the word *board*, for the word *house*, as applied to the upper house. The members of the latter were much nettled at the alteration, and a preliminary message was sent, to know whether the house would adhere to it. It was answered, that the words *board* and *house*, appeared, on examination, to have been indiscriminately used in reference to the upper house; but, to prevent misunderstanding, the lower house were willing, if the word *board* was disagreeable to the members of the other, to substitute for it, the word *council*.



The upper house replied, that to debate about words would be frivolous, if they did not tend to introduce a dispute about things and powers, and as the house was determined to maintain and support firmly, the powers and authorities with which the king had invested them, they should not permit the lower house to call them by any other name, less respectable than that of *house*; and if the bill was not amended by reinstating that word, they would not pass that, or any other bill, nor act on any resolve or estimate.

The lower house expressed their concern, that a name, in every respect dignified and honorable, implying wisdom and deliberation, and which his majesty had been pleased to confer, should become so strangely disagreeable, as to produce a message threatening destruction to all bills, however servicable they might be to the public, unless the lower house agreed to the alteration of the name so anxiously desired to be rid of. They added, they could not help considering the message as inflammatory in its tendency, and obstructive of the public service in its consequences, and quite inconsistent with those professions of regard to the public, made on several other occasions, and the duty of each branch of the legislature, to the king's subjects inhabiting the province. They observed, it was very immaterial to the king or his subjects, whether laws were enacted by the governor, council and assembly, or by the governor, the upper and lower houses: the advantages derived from them, being always in proportion to the wisdom of their formation: they concluded that, more attentive to the interest of the public than to things and powers, which, they persuaded themselves, would neither be changed nor increased, by the proposed alteration, than

to sounds, they would, for the sake of peace and harmony, readily agree to the word *house*.

The upper house rejoined, that if they were to consider their feelings, in preference to the desire they had of preferring the public good to all other considerations, they should think themselves well justified in animadverting on the spirit of aggravation manifested by the lower house; but, as they had received that public satisfaction, which they were unanimously of opinion, their duty to the crown, the public and themselves, laid them under the necessity of insisting upon, they would proceed to give the bill all the despatch in their power. But, at the same time, they were to observe, that their objection to the word *council*, did not proceed from an opinion, that it was in the power of the lower house, to give them a more honorable appellation; but, from a resolution of being addressed in their different capacities by proper and adequate titles. They flattered themselves the resolution they had taken upon this dispute, would never appear improper in the eyes of unprejudiced persons; and their proceedings would evince, that their desire of promoting the public good was as sincere, as that of those who were clothed with the specious title of representatives of the people.

A bill having been introduced, and passed the lower house, for appointing Couchet Jouvencel agent of the province, the upper house insisted on a proviso, making one of the members of that body one of the quorum of the committee of correspondence, and the lower house refusing to concur, the bill was rejected: whereupon, the lower house, by a resolve, appointed that gentleman agent of the province for eighteen months, with a salary

of two hundred pounds sterling per annum, and appointed five of their members a committee of correspondence.

A chart of the sea coast, having been made by Daniel Dunbibbin, was this year published by his widow, to whom the legislature allowed a small premium.

The distance of Newbern, where the only printing office in the province was established, from Wilmington, which had become the seat of government, impeding public business, a committee of the legislature were directed to procure a printer to settle at Wilmington.

One commissioned officer and ten men, and one officer and four men, were kept in pay for fort Johnston and fort Granville.

A bounty of sixteen shillings and four pence on every hundred weight of hemp raised in, and exported out of, the province, and of thirteen shillings and four pence on every hundred weight of flax, were allowed. The militia and vestry acts were revised; in the former, Presbyterian ministers were exempted from militia duty, which is the first instance of any indulgence granted by law to non-conformists. A new county was established, out of part of those of New Hanover and Bladen, to which the name of Brunswick was given, in compliment to the hereditary prince of Brunswick, who married, this year, princess Augusta, the king's eldest daughter; and a part of the county of Granville was erected into another, called Bute, in honor of the earl of Bute. An act was passed for the erection of a school house in the town of Newbern, which is the first effectual act for the encouragement of literature.

Great Britain, at the conclusion of the late war, in which her flag had been that of victory on every sea,

found her already too great dominions enlarged by the accession of vast territories in both the Indies; heavy, however, was the burden of such triumphs and conquests; she groaned under the weight of a debt, the interest of which was alone above her resources; the ingenuity of her ministers had been exhausted in quest of new objects of taxation, or in search among the old, for any that might bear a heavier pressure. On the contrary, new objects of expenditure daily presented themselves; treasures were wanted for the purpose of bringing her new acquisitions into value and to retain France in awe, who was soured by the humiliations of the war and the sacrifices of peace; the security of the present, and the felicity of the future, loudly called for new and prompt pecuniary supplies.

In this dilemma, the mother country cast her eyes towards her colonies; as members of the empire, it was just they should contribute to its defence and splendor; this position the provinces of the new world were not inclined to controvert; but they had always asserted the right of determining on the expediency and extent of the contribution. It was imagined in Great Britain, that the moment of a glorious peace might afford a favorable opportunity of obtaining the acquiescence of the colonists to a tax imposed by parliament; accordingly, on the tenth of March, the British house of commons resolved upon several duties on imports and exports, to and from the British colonies and plantations in America, the whole amounting, however, but to an inconsiderable sum; among the other resolutions, one was, that it was proper to charge certain stamp duties in the colonies and plantations; it was a mere abstract proposition,

which was not accompanied by any bill or resolution to carry it into practice.

In the course of the summer, the committee of the legislature having contracted with Andrew Stewart for the printing of the laws of the province, he set up a press in the town of Wilmington. The leisure which this measure afforded to James Davis, the printer at Newbern, induced him to employ his time in the publication of a periodical paper; the first number of it made its appearance towards the first of June, under the title of the North Carolina Magazine, or Universal Intelligencer; it was printed on a demy sheet, in quarto pages, with a view to its being bound; this was the first publication of the kind attempted in the province since its first settlement, almost a century after the date of the original charter; it was for a great number of years a very jejune and vapid paper, filled with long extracts from the works of theological writers, or selections from British magazines, the want of a regular post office establishment rendering the news department quite insignificant.

Andrew Stewart was not long in the province, without imitating Davis's example in this respect; towards the first of September, he issued the first number of the North Carolina Gazette and Weekly Post Boy; the town of Wilmington having the advantage of a good navigation, being often visited by European vessels, and having already a regular trade with Charleston, the latter paper contained the earlier and more general intelligence.

Governor Dobbs having obtained leave of absence, William Tryon, a colonel in the queen's guards, was sent over as lieutenant governor of the province; he

reached it late in October, and was qualified at Wilmington on the 27th of that month.

The legislative body held its second session at Wilmington, on the 25th ; governor Dobbs, in opening it, recommended to the houses to employ the calm moments of peace in the improvement of the domestic polity of the province, particularly to lay a small tonnage duty for the improvement of its navigation ; and raise a small fund for the contingent expenses of government, and the premium allowed on the exportation of hemp and flax ; he advised, that this might be done by increasing the duty on wines and spirituous liquors.

The lower house expressed their grateful sense of the goodness of the Divine Providence, manifested during a long and expensive war, now terminated by a safe, glorious and honorable peace.

They observed, that as the tax on trade, lately imposed by parliament, must tend greatly to the hindrance of commerce, and be severely felt by the industrious inhabitants of the province, they hoped the bounty granted by parliament on the culture of flax and hemp, would be thought a sufficient encouragement for those who export those articles, and it would be more for the interest of the province, to apply the premium granted by the late act of assembly, as an encouragement to the manufacture of those commodities ; they thanked the governor for the concern he expressed for the improvement of the navigation of the province, and assured him that although they saw with regret, their commerce circumscribed in its most beneficial branches, diverted from its natural channel and burdened with new taxes and

impositions, laid upon them without their privity or consent, and against what they esteemed their inherent right and exclusive privilege, nothing should be wanted on their part to ease the trader, as far as in their power, of the heavy expenses attending the exportation of their commodities, and to remove, as far as possible, every incumbrance with which the commercial interest was clogged. The governor thanked them for this acknowledgment of the goodness of Divine Providence, in the conclusion of the war, but thought them very remiss in their duty in not returning thanks to the king, the happy instrument, in the hands of that Providence, in accomplishing so happy an event; he added, that as the rest of their address had no reference to, or was inconsistent with, what he had recommended to their consideration, he would return no answer to it, but he knew of no heavy expense attending the exportation of the commodities of the province.

The house of representatives of the province of Massachusetts, addressed a representation to the speakers of the assemblies of all the provinces, on the subject of the late proceedings of parliament, in regard to the restriction on their trade, the stamp duties, &c., on which the lower house appointed a committee, consisting of their own speaker and four other members, to express their concurrence with the sentiments of the house of representatives of Massachusetts.

A sum of one hundred and thirty-three pounds, six shillings, was appropriated for an allowance to the post master general, for establishing a mail for one year, from Suffolk to the southern boundary of the province.

The establishment of Fort Granville was discontinued ; that of Fort Johnston was continued for one year.

At the request of the governor, the lower house caused a statement to be made, of the different emissions of bills of credit and treasury notes, thrown into circulation since the year 1748, and of the currency called in by duties and taxes, and burnt, and it appeared, that the amount in circulation was seventy-five thousand and thirty-two pounds, four shillings, for the redemption of which an annual poll tax of four shillings, and a duty of four pence on liquors, were laid.

A bill, which had been introduced into the upper house, for the appointment of a printer to the province, having been rejected in the other, the governor communicated this circumstance in a message, announcing to the lower house, that he had appointed Andrew Stewart printer to the king, and required them to make provision for his salary : the house refused to comply and entered into a resolution, that they knew of no such office, and of no duty, fees or emoluments incident thereto, and the appointment was of a new and unusual nature, unknown to the laws, and a violent stretch of power.

The governor informed the house, by a message, that it was the king's undoubted prerogative, to appoint a printer to print his proclamations, the orders of government, and his laws ; that, in England, the house of commons appointed a printer, to print their votes and resolutions only ; that when the printing of the king's orders, proclamations and laws, was attended with an expense, it was the duty and privilege of the lower



house, to raise and provide an adequate sum. He, therefore, repeated his request. The house answered, they did not deny the king's prerogative; but they were of opinion, the appointment of a printer to the province, was the inherent right of the people they represented; and, although they deemed it inconsistent with their duty to their constituents, to burden them with the salary of an officer, in whose appointment their concurrence was unnecessary, they would allow to Andrew Stewart, one hundred pounds, as a compensation for his trouble and expense in coming to the province, out of the contingent fund.

Very few acts were passed at this session: the court laws, which were about expiring, were continued: some amendments were made to the pilotage and inspection laws.

In closing the session, governor Dobbs observed, that, it being probable he should meet them again before his departure, he would prorogue them for a short time; and that, in case he received any command from the king, he might call them again. He added, it was his duty to inform the lower house, that by hasty and inconsiderate resolutions, suffering themselves to be overruled by young members, not rightly acquainted with the constitution of the mother country, or the colonies, they had interfered in the exercise of the executive powers, which the king had delegated to the governor, by attempting to dispose of moneys, already raised and unappropriated, arising from the surplus of certain funds, and the service for which they were granted. He concluded, that in what manner soever this advice was received, he should ever think it his duty, to lay the loy-

alty of the inhabitants of the province before the king, in the most favorable light.

In the complimentary addresses, which the announced departure of the chief magistrate called from the houses, the upper house testified their high sense of the many and important services derived to the province, during his administration, while the other spoke only of his zeal in promoting the rights of the crown : they said, that his faithful representation of their loyalty, and known attachment to their sovereign, was an office of right, to which they hoped they were entitled, and from thence doubted not of its being faithfully performed.

On the rise of the legislature, accounts reached the town of Wilmington, of some serious disturbances in the county of Orange, the cause or pretence of which, was stated to be, the exactions of the clerks, registers, and some of the attorneys, in requiring illegal and exorbitant fees. Governor Dobbs, with a view to remedy this evil, issued his proclamation, forbidding such illegal practices.

He did not live to perform his intended voyage ; but died at his seat on Town creek, in the county of Brunswick, near the town of that name, on the 28th of March, in the 82d year of his age.

The gentlemen, who sat in council during governor Dobbs' administration, were James Hasell, Mathew Rowan, James Murray, Francis Corbin, John Dawson, Lewis H. de Rossett, John Rieusett, James Jones, John Swann, John Rutherford, Richard Spaight, Edward B. Dobbs, Charles Berry, John Sampson, Henry E. M'Cullough, Alexander M'Cullough, William Dry, Robert Palmer and Benjamin Herron.

The chief judicial seat was successively filled by James Hasell, Peter Henley, and Charles Berry. George Nicholas, Joseph Anderson, Charles Elliot, and Thomas Childs, served in the office of attorney general.

*Chalmers—Marshall—Records.*

## CHAPTER VII.

**WILLIAM TRYON** was qualified, as commander in chief of the province, on the 3d of April, 1765, in the town of Wilmington.

In the latter part of the winter, George Whitfield, a celebrated Methodist preacher, visited this province, on his way from Charleston to Boston. He preached in several of the principal towns, and, generally, to a large audience.

Great riots happened in the county of Mecklenburg, in the beginning of the month of May. Henry E. M'Cullough, a member of the council, who acted as attorney of George A. Selwyn, who possessed large tracts of land in that county, having employed John Frohock to survey them, a number of armed men, in disguise, with their faces blackened, forcibly compelled him to desist.

The lieutenant governor met the legislative body, on its third session, in the town of Wilmington, on the 3d of May.

After a short encomium on his predecessor's administration, he advised the houses to improve the hour of tranquility in promoting the internal polity of the province: as one of the best means of doing so, he recommended a strict inquiry into the state of the public funds and an inviolable observ-

ance of public engagements. He added, he was instructed to request the passage of a bill, making a better provision for an orthodox clergy and pointed out the necessity of establishing a clergyman in each parish, whose salary should be paid out of the public treasury. He advised such gentlemen, as were members of the church of England, to reflect on the present state of that church in the province, and the little prospect there was of its ever being properly established, if they any longer suffered the clergy of their profession, to lie under so general neglect. He further added, he grounded his assertion on the increasing number of sectaries, who, in a short time, might find themselves the majority of public assemblies; each of whom, might then possibly incline to establish his own persuasion, in preference to the established religion at home: he expressed his hopes that, from these observations, it would not be concluded he was an enemy to toleration; he professed himself its advocate, but observed, he had never heard toleration urged in any country, as an argument to exempt dissenters from their share of the support of the established church.

He recommended to the lower house, to make some provision to enable the postmaster general to establish a line of post roads through the province of North Carolina.

A committee of the legislature was appointed to contract with the postmaster general, for conveying the mail from Suffolk to South Carolina, and an appropriation was made for that purpose. A clergy act was passed, directing the church wardens to

provide a sufficient glebe and allow a salary of one hundred and thirty-three pounds eighteen shillings to a minister in each parish.

Rumours were prevailing through the continent, that the stamp act was passed by parliament, although it did not receive the king's assent till the 22d of March; a great ferment ensued: information reached the province, of great murmurs among the people, principally in New-York and Philadelphia; the lieutenant governor, apprehensive that the lower house were about to enter into some resolutions, expressive of their sentiments on that subject, suddenly prorogued the legislature on the 18th of May, until the 30th of November, to meet at Newbern.

A general consternation now pervaded the American provinces. In the city of New-York, the act was printed and hawked about the streets, under the title of *The folly of England and the ruin of America*: in that of Philadelphia, the guns at the fort and the barracks were found spiked, to the great surprise and uneasiness of the inhabitants. The legislature of the province of Virginia, being in session when accounts of the passage of the bill, reached Williamsburg, the house of burgesses took this fatal measure into consideration. After premising that the British house of commons had drawn into question, the power of the general assembly of the province, to enact laws for laying taxes and imposing duties on the inhabitants, they resolved, (in order to fix the true principle of the constitution) that the first settlers of the colony of Virginia brought with them, and transmitted to

their posterity and all other subjects of the king, residing in the colony, all the rights and privileges enjoyed by the people of Great Britain, and their rights, in this very important respect, were afterwards acknowledged by two royal charters; that the colonists had enjoyed the right of being governed by their own legislature, in the article of taxes and internal polity, a right which they never had forfeited or yielded up, but which had been constantly recognized by the king and people of Great Britain; that the general assembly of the colony; together with the king's representative, had the exclusive right to levy taxes and impositions upon the inhabitants, and that every attempt to vest such a power in any other person or body of men, was illegal, unconstitutional and unjust, and had a tendency to destroy British, as well as American freedom.

Meetings of the inhabitants of the towns of Edenton, Newbern and Wilmington, were called, and in each, resolutions were entered, expressing their utter abhorrence of the late measures of the British parliament and a hearty concurrence with the sentiments expressed by the inhabitants of the northern provinces. The consternation, thus excited, was increased by a renewal of the disturbances, in the county of Orange, which had now spread into the adjacent county of Granville. The great scarcity of a circulating medium was now severely felt in those parts of the province, distant from the commercial towns, and the distresses attending the recovery of comparatively small sums, by the expensive process of a suit in the superior court, enhanced perhaps by

the misconduct of some of the officers, had excited murmurs, which were now succeeded by combinations to seek relief and redress. On the 6th of June, a paper was circulated at Nutbush, in the county of Granville, entitled "a serious address to the inhabitants of the the county of Granville, containing a brief narrative of our deplorable situation and the wrongs we suffer and some necessary hints with respect to a reformation." It had for epigraph, this line of Pope, *save my country, heavens, shall be my last*, the writer was an illiterate man, but the sentiments were expressed with clearness, force and energy.

In the month of June, the house of representatives of the province of Massachusetts unanimously agreed to propose a meeting of committees of the houses of representatives or burgesses of the several British provinces, to consult together, on the circumstances of the colonies and the difficulties to which they were, or must be reduced, by the operation of the acts of parliament, for levying duties and taxes on the colonies, and to consider of a general united, dutiful, loyal and humble representation of their condition to the king, and to implore relief. The speaker was directed to address the speakers of the respective assemblies and to inform them that the house proposed such a meeting to be held in the city of New-York, on the first Tuesday in October, and had appointed their members to attend that service.

In the town of Providence, a meeting of the freemen was called early in August, "to confer on such



measures, as should appear to them, necessary, relative to the stamp act, whereby the darling boast of the British North American subjects, which were once deemed indefeasible, must be greatly abridged, if not totally annihilated." At this meeting, their representatives were instructed, strenuously to resist the incroachment.

Similar steps were, at the same time, taken in the province of South Carolina.

In the town of Boston, two effigies were found hanging, on a limb of a great tree, at the southern extremity of the town, early in the morning of the 14th of August. By the label, fastened to one of them, it appeared designed to represent a stamp officer, the other was a jack boot, with a head and horns, peeping out at the top. A great concourse of people soon assembled, whose ardor was much inflamed by that sight. The images were taken down, placed on a bier, supported by six men and carried in procession, through the town, followed by a multitude of people of all ranks, in regular order, crying liberty, property, no stamp. They marched to a building, lately erected, which was supposed to be intended for a stamp office and razed it to the ground; then taking up the wood work of it, they carried it in procession, with the images, to Tree Hill, where they demolished the barn and fences: they were about returning, when the indiscretion of a person within inflamed them to such a degree that they entered the house and did considerable mischief.

On the following day, the person, who had been appointed stamp master, resigned his office. The populace assembled again, intending further mischief, but hearing of this circumstance, proceeded to his gate, gave three cheers and dispersed quietly.

In the province of Connecticut, Jared Ingersol, the stamp master, was compelled to resign his office.

On the 27th of August, the people of the town of Newport, in the province of Rhode Island, brought forth three effigies in a cart, with halters about their necks, to a gallows, about twenty feet high, erected near the town house, where they were hanged, cut down and burnt, at the acclamations of thousand. On the next evening, they assembled again and beset the houses of Martin Howard and Thomas Mossat, which they burnt and destroyed, with the furniture, leaving them mere shells. They proceeded down to the house of Augustin Johnson, the stamp master, with the intention of destroying it also, but it being represented to them that it was the property of another person, they insisted on his furniture being surrendered to them: they were, however, pacified on his resigning his office. Martin Howard and Thomas Mossat, finding the resentment of the people highly risen against them, thought their persons in danger and sought shelter on board the Syren ship of war, in which they sailed for England.

Early in the month of September, the stamp paper, for the use of the provinces of New England, arrived at Boston, but governor Barnard, by the advice of the council, lodged them in Castle William. This measure averted fresh tumults, for the populace had determined on making a bonfire of them; and some individuals expressed great chagrin at the disappointment.

On the 20th, the lawyers, attending the supreme court of New Jersey, at South Amboy, had a meeting, at the request of the chief justice, and, after protesting against all kinds of riotous or indecent behavior, which they resolved to discountenance, by all means in their power,

determined, by an absolute refusal to make use of the stamps and other quiet methods, to endeavor to procure the repeal of the act.

The legislature of the province of Maryland met in the latter part of the month of September, but the confused situation of the country prevented them from entering on business. The lower house appointed a committee, according to the recommendation of the house of representatives of the province of Massachusetts, and entered into a number of resolutions, nearly in the same spirit as those of the house of burgesses, of the province of Virginia.

On the 5th of October, the stamps, for the use of the province of Pennsylvania, reached the port of Philadelphia. The ship which brought them, had stopped for a while at New Castle, under the protection of a ship of war, which came up with her. As soon as these ships appeared round Gloucester point, all the vessels in the harbor hoisted their colors half staff high; the bells were muffled and kept tolling till the evening; every countenance adding to the appearance of sincere mourning. At four o'clock in the afternoon, several thousand citizens met round the state house, to consult on the means of preventing the execution of the stamp act. It was agreed to send a deputation of five persons, to John Hughes, the stamp master, who was confined to bed by sickness, to request he would resign his office. He readily declared, that no act of his would assist in carrying the act into effect, till it was generally complied with. When the committee returned to the state house and made their report, the citizens were enraged and could, with great difficulty, be prevailed on not to proceed

to violent measures, notwithstanding the committee represented the stamp master, as at the point of death. However, yielding to the compassion which this circumstance excited, they determined on making their application in writing and giving their townsman some time to determine on his reply. Accordingly, on the Monday following, the committee, who had again called on him, brought his written declaration, that he had not hitherto, taken any step, tending to put the late act of parliament into effect within the province, or in any of the counties of New Castle, Kent and Sussex, to which his commission extended, and that he would not, either by himself or his deputies, do any thing, that should have the least tendency to put the act into execution, unless it was generally carried into effect in the neighboring colonies. On this, the people quietly dispersed.

A congress, formed of a committee from the different provinces, except those of New Hampshire, Rhode Island, North Carolina and Georgia, met, according to the recommendation of the house of representatives of the province of Massachusetts: that of North Carolina was not represented, the lower house not having had an opportunity of choosing members; and, most likely, the absence of gentlemen from the other provinces, unrepresented, was owing to the same cause.

The congress, consisting of twenty-seven members, prepared and forwarded addresses to the king and each of the houses of parliament, and formed and subscribed an instrument, which they dignified

with the appellation of "a declaration of the rights and grievances of their constituents."

In the preamble, the congress stated, that, sincerely devoted, with the warmest sentiments of affection and duty, to the king's person and government and inviolably attached to the actual establishment of the protestant succession, and, with minds, deeply impressed by a sense of the present and impending misfortunes of the British colonies on the continent, having considered as maturely as time would permit, the circumstance of the colonies, they esteemed it their indispensable duty, to make a humble declaration of their opinions; respecting the most essential rights and liberties of the colonists and of the grievances they labored under, by reason of several late acts of parliament.

They declared, that the colonists owed allegiance to the crown, and all due submission to the two houses of parliament, and were entitled to all the rights of subjects born within the realm; that it was essential to the freedom of a people, to be taxed only with their own consent; that the colonies neither were, nor could, from their local circumstances, be represented in the British house of commons, and, consequently, their only representatives were in the colony legislatures; and, except by them, no tax had ever been, nor ever could be imposed on them; that supplies being gifts, the commons of Great Britain could not, constitutionally, grant away the property of the colonists; that the trial by jury, was a right of the subject; that the stamp act, and the other late acts of parliament, tended to subvert that right; that the duties lately imposed were grievances, and the pay-

ment of them impracticable; that the profits of the commerce of the colonies centering in Great Britain, they, thereby, largely contributed to all supplies; that the late parliamentary restrictions, prevented them from purchasing the manufactures of Great Britain; that the prosperity of the colonies depended, on the enjoyment of their rights, and a mutual beneficial intercourse, with the mother country; that it was the right of the subject, to petition king, lords and commons, and the duty of the congress, by a loyal and dutiful address to the king, and a humble application to both houses of parliament, to procure the repeal of the stamp act, and others restricting trade, and extending the jurisdiction of the admiralty.

On the 22d of October, the stamp paper, for the province of New York, was received: the same demonstrations of grief and mourning were exhibited on this occasion, as in the other provinces. Lieutenant governor Colden sent to Mr. M'Ever, to take care of the papers; but he declined having any thing to do with them: they were lodged in Fort George.

In the last week of October, George Mercer, distributor of the stamps, for the province of Virginia, landed at Hampton. He met with some rude treatment from the mob, who, by the interposition of some influential gentlemen, were prevailed on to disperse without any ill consequences following. When he arrived in Williamsburg, as he was waking towards the capitol, on his way to the governor's, he was accosted by a number of gentlemen from different parts of the province, (the general court being then sitting) who insisted on his immediately satisfying the company, which was constantly increasing, whether he intended to enter on the

duties of his office. Seeing himself completely surrounded, he answered, that any reply he might then make would be attributed to fear, and begged to be allowed to wait on the governor and council, in order to obtain correct information of the sentiments of the colony, and afterwards meet his countrymen and give them an answer. This seemed to give satisfaction, and he was accompanied to the coffee-house, where the governor, most of the council and a great number of other gentlemen, were assembled. The crowd, in the meanwhile, increased, and growing impatient, insisted on a more speedy and satisfactory answer, declaring they would not disperse till it was obtained : upon which, George Mercer coming forward, and promising a categorical answer, by five o'clock the next evening : he met with no further molestation.

At the time appointed, he was met at the capitol by a vast concourse of people, among whom were the principal merchants in the colony, when a committee, chosen for the purpose, informed him, he was then to look upon himself as in the presence of the colony, and demanded the answer he had, on the preceding day, promised them. He then addressed the meeting, in a speech of considerable length, and concluded he would have been glad, to have had it in his power to have acted in such a manner, as would have justified him to his friends and countrymen, in the province, and to the persons from whom he derived his appointment ; but the time allowed to him was so short, that he had not been able to discover that happy medium. He therefore, entreated the gentlemen present, to be referred to his future conduct, with this assurance, that he would not, directly or indirectly, by himself or his deputies, pro-

ceed in the execution of the act, until he received further orders from England, and not then, without the assent of the general assembly of the province. This declaration gave so general a satisfaction, that he was immediately born out of the capitol gate, amid the acclamations of all persons present, and carried to the coffee-house, where an elegant entertainment was provided. On his arrival, the acclamations redoubled, drums beat, French horns and other musical instruments sounding. At night the bells were set a ringing, and the whole town illuminated.

In the despatches of general Conway, the secretary of state to governor Fanquin, in answer to the communication which caused the resolutions, of the 29th of May, the general observed, that the nature of the thing induced a persuasion, that these ill advised resolutions, owed their birth to the violence of some individuals, who, taking advantage of a thin assembly, so far prevailed, as to publish their own uninformed opinion to the world, as the sentiments of the colony : and the king's servants persuaded themselves, that, when a full assembly should calmly and maturely deliberate upon these resolutions, they would see, and be themselves alarmed at the dangerous tendency and mischievous consequences, both to the mother country and the colonies.

In the province of North Carolina, the people, at all their public meetings, manifested their high approbation of the proceedings of the inhabitants of the other provinces ; and lieutenant governor Tryon, judging from the temper of the people that it would be unsafe and dangerous, to allow them the opportunity of expressing their feelings, by allowing a session of the legislative body, in these days of ferment, on the 25th of October,



issued his proclamation to prorogue the general assembly, which was to have met on the 30th of November, till the 12th of March, assigning as a reason for this stop, that there appeared to be no immediate necessity for their meeting at that time.

On the 21st of October, the merchants of the city of New York, came to a resolution, that in all the orders they should send to Great Britain, for any goods whatever, they would direct them not to be shipped, unless the stamp act was repealed: to countermand all orders already sent out, except on the above contingency: not to sell any goods, sent on commission, after the 1st of January, 1766, except on the same contingency. These resolutions were to be binding, until abrogated at a future general meeting. Two hundred of the principal persons in trade subscribed them. In consequence of this, the shop keepers and retailers, subscribed an obligation, not to purchase any goods shipped from Great Britain, after the first day of January, 1766, unless the stamp act was repealed.

At Portsmouth, in the province of New Hampshire, the inhabitants being informed, that Messerne, the stamp master, intended, notwithstanding a verbal resignation of the office, to proceed to the distribution of the stamps, went to him to the plains, a place at the distance of about two miles from the town, where he had met the king's council, and there judge Warren, one of the council, administered an oath to him, that he would not execute his office in any part of the province. This measure, and the assurances, given by the council, that the stamps would remain unopened, satisfied the people, who dispersed quietly.

On the 1st of November, the day on which the stamp act was to be in operation, the inhabitants of the city of New-York, observing unusual movements in the fort, were much displeased and alarmed. In the evening they assembled in great numbers, and, preceded by men bearing lighted torches, marched to the fort, where they broke open the stables and took out lieutenant governor Colden's carriage, and drove it through the city in triumph, to the commons, where a gallows had been erected; and an effigy of the lieutenant governor, with a label on its breast and a drum on its back, was hung at one end, and a figure of the devil at the other. They then marched with the carriage, gallows and effigies, in grand procession, to the gate of the fort, and thence to the bowling green, under the muzzle of the cannons, where all was consumed in a bonfire, amidst the acclamations of several thousands.

On the next evening, it being reported that the lieutenant governor had qualified as stamp master, the people assembled again, determined to march to the fort and obtain, either a declaration, that he would not distribute the stamps, or that they should be delivered into their hands. Lieutenant governor Colden, having received information of this, published a declaration, that he would have nothing to do with the stamps; but leave it to Sir Henry Moore, who had lately been appointed governor of the province, to act as he pleased, on his arrival. Still the people remained unsatisfied, and, gathering before the lieutenant governor's house, insisted on the stamps being delivered out of the fort, threatening, in case of his refusal, to go and take them out by force. On this, captain Kennedy, of the king's ship Coventry, was applied to, on the part of the lieutenant governor, to re-

ceive them on board; but he absolutely refused. At length, after much negotiation, on the 5th, they were delivered to the corporation, and lodged in the city hall, to the great joy of the people. During this commotion, which lasted for several days, all the cannons on Copsey battery, the king's yard, and all others belonging to the merchants, were spiked, to prevent the populace making use of them to obtain the stamps.

On the 7th of November, the merchants and shopkeepers, of the city of Philadelphia, entered into an association, with regard to a commercial non intercourse, as had been done a few days before at New-York. The example of the two principal trading cities was pretty generally followed throughout the provinces.

During the months of November and December, days of general thanksgiving and prayer for the success of the opposition to the stamp act, through the colonies, were observed in most of the provinces.

Towards Christmas, lieutenant governor Tryon received a commission of governor, captain general and commander in chief. This circumstance afforded an opportunity of preventing an early meeting of the legislative body. This was done by a dissolution of the general assembly, by proclamation on the 21st. The qualification of the chief magistrate, under his new commission, was laid in this instrument, to make it necessary that the present assembly should be dissolved.

The governor received, with the testimonial of his promotion, a circular despatch from general Conway, in which the secretary, after expressing the great concern with which government had heard of the disturbances in America, expressed his hope, that the want of confidence in the justice and tenderness of the mother

country, manifested by the colonies in their open resistance to her authority, could only have found place among the lower and more ignorant part of the people, and the better and wiser would know, that decency and submission might prevail, not only to redress grievances, but to obtain grace and favor, while the outrage of public violence could expect nothing but severity and chastisement. These sentiments, the governor and other servants of the king, were instructed to excite and encourage. They were directed to call on the people, not to render their case desperate, and, in the strongest colours, to represent to them the dreadful consequences that must inevitably attend the forcible and violent resistance to acts of the British parliament, and the scenes of calamity among themselves and of mutual weakness and dissatisfaction to both countries, inseparable from such a conduct. The secretary added, that if by lenient and persuasive methods, the governors could contribute to restore peace and tranquility to the provinces over which they presided, they would do an acceptable service to their country; but, having taken every step, which the utmost prudence and lenity could dictate, in compassion to the folly and ignorance of some misguided people, they ought not to fail, on the other hand, in using their utmost power for repelling all acts of violence and outrage, and to provide for the maintenance of peace and good order in the province, by such timely exertion of force, as the occasion might require. For that purpose the secretary added, that early application should be made to general Gage or lord Colville, the commanders in chief of the land and naval forces in North America.

In the latter part of the year, the British empire, on the American continent, was divided into two districts, northern and southern, by the river Potomac and a due west line drawn from the head of that river. A surveyor general was appointed in each district, who was desired to make several surveys of the coast and rivers, in order to facilitate the navigation and promote the speedy settlement of the newly acquired territory. William de Brahm was appointed in the southern district.

At the meeting of parliament, in January, 1766, Wm. Pitt, afterwards lord Chatham, expressed his opinion, that the stamp act be repealed *absolutely, totally and immediately*, and the reason for the repeal he assigned was, because it was founded on an erroneous principle; at the same time that the sovereign authority of Great Britain over the colonies be asserted, in as strong terms as can be devised, and be made to extend to every point of legislation whatever, that parliament may bind their trade, confine their manufactures and exercise every power, but that of taking their money, out of their pockets, without their consent.

Early in the year, the sloop of war, the Diligence, arrived in the river Cape Fear, having on board the stamp paper, destined for the use of the province, and on the 6th of January, the governor issued a proclamation, announcing this circumstance and calling on all persons, authorized to act as distributors of the stamps, to make application therefor, to the commander of the sloop. But on the first notice of the approach of this vessel, colonel John Ashe, of the county of New Hanover and colonel Waddle, of the county of Brunswick, having embodied the militia of those counties, marched at the

head of them to the town of Brunswick, before which she was anchored and notified the commander of their determination to resist the landing of their stamps. It was judged best not to make the attempt. A party was left to watch the motions of the sloop and the rest of the small army marched to the town of Wilmington, carrying with them one of her boats. Having fixed a mast in her with a flag, they hoisted her on a cart and drove triumphantly through the streets; the inhabitants all joining in the procession: at night the town was illuminated. On the next day, a great concourse of people, headed by colonel Ashe, proceeded to the governor's house and demanded to speak with James Houston, one of the council, who had been appointed stamp master for the province. The governor, at first, declared his intention not to allow it, unless Houston would come willingly: but the people threatened to set fire to the house and proceeded to make preparations therefor. The governor desired the colonel to step in and talk with the stamp master, who, finding, that he could not act in his office, without rendering himself obnoxious to the people, voluntarily accompanied the colonel to the street and, followed by a great concourse of people, proceeded to the market place, where he took a solemn oath not to proceed on the duties of his office. On which, the people gave three cheers, and conducted him back to the governor's.

In the latter part of the month of February, there being a general muster in the town of Wilmington, the governor, with a view to please the militia, caused an ox to be barbecued and had a few barrels of beer unheaded; but the people, displeased with his endeavors to counteract their opposition to the stamp act, threw the roast-

ed ox into the river and spilled the beer on the ground. This behaviour excited the resentment of the officers and men of the sloop of war, and a general fight ensued, the riot was continued for several days and one of the officers was killed in a duel. The governor caused the offender to be apprehended and gave orders for his prosecution. He was acquitted by the jury. Chagrined at this disappointment, the governor charged chief justice Berry, who had presided at the trial, with having favoured the defendant; and, although the chief justice stooped so far as to send him his notes of the testimony, the governor persisted in declaring that the trial had not been fairly conducted. The chief justice soon after went to Edenton, where he received a summons to attend on the council board. He had been so much affected by the governor's reproof, that he took it for granted, that the council was called for the purpose of suspending him. He called on a gentleman of the bar, and imparting his fear, begged him to accompany him to the council, but other avocations prohibiting a compliance, he set off alone. On his arrival in town, he waited on the governor, as was customary for the members of the council to do, and was received with coldness. Confirmed by this reception, in the idea he had formed, he refused to yield to the opinions his colleagues gave him that the council was called on the ordinary business of the province, and returning to his lodgings, fired a pistol in his own mouth; the fire not proving mortal, he took out his pen-knife and, ripping open his belly, drew out part of his entrails and soon after expired.

Writs of election had been issued, soon after the dissolution of the general assembly, in December, and the new legislative body was to assemble on the 22d of

April, the governor, apprehending danger from their convening, while the public mind was in irritation, on the 26th of February prorogued the general assembly to the 30th of October.

In the month of March, the British parliament yielding to the voice the nation, the stamp act was repealed.

That the ministry might not seem wanting in their endeavors to preserve the authority of the parent country, with the repealing act, another was passed to indemnify those who, on its account, had incurred penalties, and the American provinces were required to compensate the individuals, who had suffered from their obedience to government, during the commotions, which the attempt to carry the act into effect had excited. A statute was also passed for a formal declaration of the supremacy of the parent state and the dependence of the colonies. The resolutions, orders and votes of the colonial assemblies denying this supremacy and dependence, and the power of the British parliament to lay taxes in the colonies, were declared null and void, illegal, derogatory to the legislative authority of the mother country and the dependence of the provinces upon the crown.

On the 13th of June, the governor received a despatch from general Conway, of the 21st of March, with copies of two acts of parliament; the first for securing the due dependency of the colonies on the mother country, the other for the repeal of the act of last session, granting certain stamp duties in America, expressing a hope to have soon to forward a third, for the indemnity of such persons, as had incurred the penalties imposed by the repealed act.



The secretary observed that, the moderation, the forbearance and the unexampled lenity and tenderness of parliament towards the colonies, which were so signally displayed in those acts, could but dispose the province, committed to the governor's care, to a return of cheerful obedience to the laws and legislative authority of Great Britain, and to those sentiments of respectful gratitude to the mother country, which were natural, and which the secretary expected would be the entire effect of so much grace and condescension, so recently manifested on the part of his majesty's parliament.

He added, that the future happiness and prosperity of the colonies would very much depend on the testimonies they would give of these dispositions; for, as a dutiful and affectionate return for these peculiar proofs of indulgence and affection, might, at this great crisis, be a means of fixing the mutual interest and melioration of Great Britain and her colonies on the most firm foundation; it could not but appear visible, that the coolness or unthankfulness, the least murmuring or dissatisfaction on any ground whatever, too much heat or too much prevailing prejudice, might totally endanger the union, and give the most severe and affecting blow to the future interests of both countries.

He said that, so full of true magnanimity were the sentiments of the king and of parliament, so free from the smallest colour of passion or prejudice, that they seemed disposed not only to forgive, but to forget those very unjustifiable marks of an undutiful disposition, too frequent in the late transactions of the colonies; and consequently a revision of the late American trade laws was to be the immediate object of the attention of parliament, so as to give to the trade and interest of

the colonies every relief which the true state of their circumstances demanded or admitted.

He added, that nothing would tend more effectually to every conciliatory purpose, and there was nothing which he had in command more earnestly to request from the governor, than that he would exert himself in recommending it strongly to the assembly, that a full and ample compensation be made to those who from the madness of the people had suffered for their obedience to acts of the British legislature, and to request that the governor might be particularly attentive that such persons be effectually secured from any further insult, and that he should take care, by his example and influence, that they might be treated with that respect to their persons, and that justice in regard to all their pretensions, which their merits and sufferings claimed.

In performance of the directions of the minister, on the governor's report of the disturbances in the county of Granville, which now began to spread into those of Orange and Anson, a proclamation was issued, in the king's name, on the 25th of June, stating that great complaints had been received, and exorbitant fees were demanded in several offices in the province, to the great dishonor of the king's services and the prejudice of his subjects, strictly charging all public officers whatever, to restrain themselves to the fees authorized by law, and the same day, the governor, by proclamation, announced the repeal of the stamp act, expressing his hope that the inhabitants of the province would return to a cheerful obedience to the legislative authority of Great Britain, on which the future prosperity of the colonies greatly depended.

On the 26th of June, the mayor, recorder and aldermen of Wilmington, presented an address to governor Tryon, congratulating him on the repeal of the stamp act and on the happy prospect of the union and harmony, thereby established between the colonies and the mother country. They expressed their most respectful acknowledgments to the supreme legislature of Great Britain for their care and attention in protecting the inhabitants of his majesty's extensive American dominions, in the enjoyment of that inestimable blessing, liberty, and releasing them from a burden they were unable to bear.

The address concluded by expressing great concern, on the many misrepresentations that had been made to the governor of the transactions of the inhabitants of Wilmington and several of the adjacent counties, since the arrival of the stamps.

The governor expressed himself at a loss how to answer the latter part of the address, and declared that the impression, he had received of the conduct of the inhabitants of the borough, arose from a behaviour that came, immediately, under his own observation.

This produced a letter from the mayor, John De Rosset and several gentlemen of the borough, nineteen in number, who expressed the extreme sorrow they felt at some expressions in the governor's answer, which might be construed to charge the borough, with some marks of intentional disrespect, which they disclaimed, and should sincerely condemn, as inconsistent with the dutiful affection towards the king's representative, which they should always cultivate, with the grateful return of sentiment which his personal merit justly claimed.

They concluded that if, oppressed by the late act, some commotions of the country seemed to threaten a departure from moderation, the governor, they hoped, would not impute those transactions to any other motive, than a conviction that moderation ceases to be a virtue, when the liberty of the British subject is in danger; but the greater the danger was, the more reason they had to applaud the honest justice of the British parliament, whose prudent resolutions had relieved them from the melancholy dilemma to which they were reduced.

The governor replied, that, as this letter had removed those aspersions, he felt they had thrown on his character in the late address, he was now willing to forget every impropriety of conduct, any of the subscribers and the town of Wilmington had shown personally towards him, in the late commotion.

During the session of the court of the county of Orange, in the month of August, a number of persons came into the court house and presented to the justices a paper which they directed the clerk to read. It stated, that "great good might come out of the great designed evil, the stamp law, and that, whilst the sons of freedom withstood the lords of parliament, in behalf of true liberty, the officers under them ought not carry on an unjust oppression in the province; that in order thereto, as there were many evils complained of in the county of Orange, they ought to be redressed, and, if there were none, jealousy ought to be removed from the minds of the people." The writer then proposed that, "there should be a meeting of the people, in each captain's company, for the purpose of appointing one or more persons to attend a general meeting on the Monday before the next court of the county, at a suitable place, where there

should be no liquor; in order judiciously to enquire whether the freemen of the county labored under any abuse of power, that the opinion of the deputies should be committed to writing, freely conversed upon and measures taken for amendment."

The proposition was deemed reasonable and a general meeting was directed to be held on the 10th of October at Maddock's mills.

On the 20th of August, the company on Deep river, after having appointed their deputies, entered into a resolution, "that the representatives of the county in the general assembly, vestrymen, sheriff and other officers be requested to attend the meeting at Maddock's mill to afford them all the information in their power, as they valued the good will of every honest freeholder, and the executing of a public office pleasant and delightful."

On the 10th of October, delegates from the different captains' companies met at the mill; but none of the officers of the county attended. Towards the evening, James Watson, one of the representatives in the general assembly, appeared: he brought a message from Edmund Fanning, his colleague, by which he informed the meeting, "it had been his intention of attending them, till a day or two ago, when he observed in the notice from the meeting at Deep river, the word *judiciously*, which signified the authority of a court, concluding, after some other objection, particularly on the impropriety of the place, he considered their assemblage as an insurrection."

The meeting then came to a resolution, expressive of the advantage that would accrue to the county, if the representatives, vestrymen, church wardens, sheriff and other officers would yearly attend the delegates, chosen by

the people, in different sections of the country, in order to make themselves acquainted with the wishes and opinions of the people, in matters of weight and importance; lamenting, that one of the representatives only, had attended, and concluding, that if they were inclined to confer with the delegates chosen, they would be attended on, at any place and time they might desire.

A subscription was set on foot, and fifty pounds were collected for defraying the expenses of such suits, as it might be necessary to bring, for the purpose of redressing the grievances of the people.

The new legislative body began its first session, at Newbern, on the 3d day of November. In addressing the houses, the governor attributed the long chasm in the proceedings of the legislature, to many evident reasons; none of which, he chose particularly to state. He laid before them, the late acts of the British parliament, which related to the colonies, and the votes of the house of commons, on the proceedings of the colonial assemblies, on the subject of the stamp act: he expressed his hope, that the moderation and paternal care of the king and the unbounded lenity of parliament, signally displayed in those acts, would dispose the inhabitants of the province to a most cheerful obedience to the legislative authority of Great Britain, and to sentiments of the most respectful gratitude: he added, he was authorized to say, that so truly magnanimous were the sentiments of the king and parliament, and so free from the smallest spark of passion or prejudice, that they appeared disposed, not only to forgive, but to forget the marks of an undutiful disposition,

manifested in the late transactions of the colonies. Animated by these glorious sentiments, he was happy to follow examples so shining, in regard to the late distractions he had witnessed; he drew the attention of the legislature to the inadequacy of the emoluments of sheriffs and the disproportion between them and the services they were expected to render, and recommended to their consideration the state of the public funds, and that some mode might be devised to obtain, from the treasurers, accounts, specifying the receipts and expenditures for the ordinary and contingent services, the balances in their hands and a statement of those, due from the collectors of public moneys; that order and certainty might be introduced into the fiscal department and an injustice prevented to some counties, which were compelled to share the deficiencies of others, in which taxes were but partially collected or accounted for.

He informed them, that their resolution for the establishment of Fort Johnson, having expired, he had ordered a continuance of the establishment, and some necessary repairs to the work, upon the credit of the province: the artillery and stores, being too valuable not to claim attention; he advised an increase of the establishment.

He observed, that the court system had, on experience, proved a valuable one, and seemed to want nothing but a greater degree of permanency and handsome salaries to the associate justices.

The lower house replied, they were truly sorry, that any reason whatever should have prevented him from

meeting the legislature sooner; the alarming tendency of the stamp act and the reproachful terms of rioters and rebels, which had been liberally bestowed on the king's faithful American subjects, rendering it, in their opinion, highly expedient, that the house should have been convened sooner. In times of public calamity and distress, when the loyalty and attachment of a whole province, to the king's person and government, were questioned, no measure could be more particularly necessary to its honor and interest, than to afford it the opportunity of testifying its duty and allegiance to the crown and imploring a redress of the grievances, with which it was oppressed.

They gratefully acknowledged the tender and paternal care of the king and the wisdom and justice of parliament, to which they attributed the repeal of the stamp act, a measure which had restored peace and tranquility to the continent, and effectually secured its warmest affection to the mother country.

They assured the governor, that they would esteem it a great happiness to have it in their power to concur with their sister colonies, in testifying an inviolable attachment to the person of their sovereign and a just and dutiful dependence on his government; but they said it was the peculiar misfortune of the province of North Carolina, to be deprived of those means to which it had an unquestionable right, and which the other provinces peaceably enjoyed, of making known their dutiful dispositions; and, if they were wanting in the general suffrage, they hoped censure would fall on those whose indiscretion was the cause of it. They observed, that in every other part of the king's American dominions, where the constitution was similar to that of the pro-



vince, the representatives of the people enjoyed the privilege of naming an agent, to represent their loyalty to the king and to implore his protection: the concurrence of the other two branches of the legislature being considered as necessary only to give a sanction to the nomination; a privilege which, with that of naming the treasurers by the people of the province, was deemed, by the members of the king's council, a circumstance which they greatly feared, might be followed by consequences fatal to public tranquility. They expressed a hope, that the governor would exert every practicable endeavor to restore the people to their rights and privileges in this respect.

They expressed their deep concern to hear the colonies charged with marks of an undutiful disposition and persuaded themselves, that the conduct of the colonies and the province, had been influenced by nothing but their loyalty to the king, their attachment to the constitution and tender regard for the liberty it was made to secure, and that their conduct would have been viewed in this light, had not those who were strangers to the true interest of Great Britain and her colonies, ingenuously represented it, in England, as resulting from disaffection to the crown and a desire of independence on the mother country

They declared they had nothing more at heart than to see the seat of justice and every office in the province filled with able men: for such, they had ever been ready to provide adequate salaries; but, for the present, they were fearful the scarcity of currency and the heavy taxes with which their constituents were burdened, would put it out of their power to make that provision which was recommended to them.

The governor replied, he would forbear entering into all the parts of their address, lest he should be thought to deviate from the principles of generosity he had professed to pattern from the king and parliament. He declared himself an utter stranger to the reproachful and detestable appellation of rebels, which was said to have been liberally given to the king's subjects on the continent, and the ingenuous misrepresentations made in England, to which the house referred.

He observed, that the irregularity in the choice of an agent, for the administration of the affairs of the colony, had long been a matter of complaint and difficulty, both in the province and in England; and, although he could not agree with the house that the appointment of the two other branches of the legislature was merely by way of sanction, with the view of manifesting his desire to preserve the tranquility of the province, until the king's pleasure in this respect was known, he would be found ready to concur with the houses in the appointment of an agent and treasurer, and he trusted the council would act with the same liberality. He added, he could wish the province, and the house in particular, might consider him as their agent, in every laudable action or beneficial measure, which circumstances required or admitted.

The upper house took into consideration the address of the lower house to the governor, and voted, that the assertion, that the want of a treasurer and agent, was owing to the indiscretion of the upper house, was indecent, unjustifiable, and highly derogatory of the honor of the house.

That the approbation of the upper house, to a colony agent, was necessary and proper; but that the fai-

lure of the late agent bill, was owing to the refusal of allowing the upper house its proper weight and influence, in the committee of correspondence.

They asserted their right to the nomination and appointment of treasurers.

When sitting at the council board, the members expressed their opinion, that the charges in the address of the lower house, relating to the governor's conduct, were altogether indecent, without foundation, and unmerited; and that the governor, in his answer, had conducted himself with great propriety, and the coolest dictates of moderation.

A bill being introduced, for the appointment of a treasurer for the southern district, the upper house substituted the name of one of their members (L. H. de Rosset) for that of the former speaker of the lower house, John Ashe, who had been nominated there. When the bill returned, the lower house reinstated the latter name: the upper house insisted on their amendment, observing, that their passing of the bill as it was sent up, might be considered as a relinquishment of the joint right of nomination: the lower house replied, they could not consent to the proposal, neither could they recede from the opinion, that the right of nominating the treasurer was in them; but they were willing that the passage of the bill, should not be considered, as a precedent invalidating the claim of the upper house, if they had any: the upper house replied, that as the sole right of nomination, was insisted on in the late message, they could not recede; but proposed to pass the bill, if the lower house would agree to consider the nomination as joint; but, on the lower house praying that this point of modern controversy, might be left to be disputed at some future

period, when there should be greater need of, and stronger inclination to debate between the houses, on questions of privilege: the upper house answered, that, as their right of nomination was not denied, and it was conceded the step would not be drawn into a precedent, they would pass the bill, with a view of testifying their desire to advance the public good, and promote harmony and good understanding between the houses.

The two houses joined in an address to the king, on the repeal of the stamp act. This paper begins by stating, that the very considerable part which the king's American subjects had taken in the late transactions, made it necessary, they should take the earliest opportunity of manifesting their unshaken loyalty, and making every return of duty and gratitude, for the paternal goodness which had relieved them; they begged leave to assure him, that, in the time of their utmost apprehensions, their breasts were filled with the purest sentiments of love, and loyalty for the best of kings; neither had they ever doubted, that his tender care over all his subjects, would, as soon as their grievances were known, relieve them from a burden too heavy to be borne: they added, it was the glory and happiness of the people of the province, to look upon themselves as a part of the British empire, and, as such, to testify and acknowledge, upon all occasions, not only the love and duty of their hearts, to the king's person, family and government, but, offer their cordial and natural attachment to the mother country; and they doubted not, but the wisdom and justice with which the parliament had of late, assisted the king in his most gracious purposes, not only in relieving his American subjects, from their late unhappy situation, but in opening new channels of trade and

commerce, would produce in them, every proper sentiment of love and gratitude.

A sum of one hundred and thirty-three pounds, six shillings and eight pence, was appropriated to the support of the post office establishment.

At the recommendation of the governor, on the application of the Cherokee nation of Indians, an appropriation was made for running a dividing line, between the western settlements of the province and their hunting grounds; and the governor was authorized to appoint three commissioners for that purpose. Five thousand pounds were appropriated, for building a house for the residence of the governor: the sum was to be borrowed out of the moneys hitherto appropriated, for providing public school houses and glebes, and a poll tax and duty on liquors were imposed.

The Presbyterian clergy increasing, especially in the western parts of the province, were authorized to celebrate the rites of matrimony. The trustees of the Newbern academy were incorporated. This is the first instance of this kind of legislative patronage, which occurs in the statute book. The navigation of the river Neuse appearing insufficient for vessels of great burden, on account of the small depth of water, through the swash, leading from Ocracock bar into the sound, and the inlet of Old Topsail being very safe and navigable, for vessels of great burden, leading to a safe and commodious harbor, an attempt was made to cut a canal from Clubfoot to Harlowe creek, whereby, the navigation of Neuse river and Old Topsail inlet might be joined; and an act was passed, appointing commissioners to receive subscriptions and cut the canal. The facility of attaining the desired object, if proper means

were adopted, has never been questioned; yet, though several laws have since been passed, and some trouble taken to accomplish it, after a period of nearly half a century, the measure has not yet ripened into effect.

The lease, granted by the Tuscarora chiefs, to Robert Jones, William Williams and Thomas Pugh, during the summer, did not receive the sanction of the legislature.

Ten men were allowed for the garrison of Fort Johnston.

Jonathan Carver, of Connecticut, left Boston in 1766, with the view of exploring the most interior parts of America, and even of penetrating to the Pacific ocean, over the broad face of the continent, which lies between the forty-second and forty-sixth degrees of north latitude. As the English had come into possession of a vast territory, by the conquest of Canada, he hoped to render the acquisition more profitable to his country, whilst he gratified his taste for adventures.

On the rise of the legislature, governor Tryon lost no time, in carrying into effect, his darling scheme of building a palace. He had exerted all his influence to obtain the passage of the bill, and the members of the king's council had been officially instructed, to give it all their support, in their legislative capacity. This measure was thought, by many, to have laid the foundation of the series of disorders and commotions, which terminated in the battle of the Alamance. The grant of five thousand pounds was above the means of the province, in its infant and impoverished state; and the governor was intrusted, solely, with the disposition of the fund. The trust proved fatal to the interest of the province, and to the reputation of the trustee. It was made to

gratify his vanity at the expense of both. It afforded him an opportunity of leaving behind, an elegant monument of his taste in building, and giving the minister an instance of his great influence and address, in his new government. The temptation was not resisted; and to the plan of a governor's house, was substituted for that of a palace, worthy the residence of a prince of the blood. The purchase of the ground and the erection of the foundation, absorbed the sum which the legislature had been pleased to bestow, which was an ample appropriation for the completion of the building.

The marks of an approaching disorder in the political body, became apparent in the open refusal of a number of individuals to pay the tax which had been laid for defraying the expenses of rearing so costly an edifice; the disturbances, which had hitherto been confined to the counties of Orange and Granville, had spread into those of Anson, Bladen and Mecklenburg.

Another circumstance contributed, in the summer, to fan the coals of distraction into a flame.

In a colony without money, and among a people almost desperate with distress, public profusion should have been carefully avoided; but unfortunately for the province, governor Tryon had been bred a soldier, and had an acquired, as well as a natural fondness for military parade; the legislature had instructed him to run the boundary line between the hunting grounds of the Cherokees and the back settlements of the province, about ninety miles in length; this little service afforded him an opportunity of displaying his military talents, and making a splendid exhibition of himself to the Indians; it was not neglected. He marched to perform it, in a time of profound peace, at the head of a company of militia, in

all the pomp of war, and returned with the honorable title, conferred on him by the Cherokees, of the Great Wolf of North Carolina. The marking of a few trees, and the acquisition to the governor of the title, perhaps prophetic, caused an increase of taxes, which the province was not well able to bear.

The legislature met at Newbern, the fifth of December; the governor, in his address, spoke of the approbation and acknowledgments due to the good conduct and regular behaviour, both of the officers and soldiers that had formed his escort, as a victorious general, and to the bravery of those who gained him laurels; he mentioned the Cherokees' faithful conduct, in the strict fulfilment of their engagements at the treaty at Augusta, and his belief that he had left them in so good a disposition towards the inhabitants of the province, that by experiencing a continuance of encouragement and protection from the legislature, they would not only show themselves fast friends in any future Indian war, but also bring a great part of their trade into the province. He laid before the houses a plan of what he called the edifice, which soon with propriety received the appellation of the palace, and the estimate of the future charges of its construction, and pressed them to make at once an adequate appropriation, to prevent the disadvantages that must arise from a deficiency of materials, and the necessity of soon discharging the present artificers and workmen, whose skill and diligence might not easily be replaced; circumstances which he represented as likely not only to stop the present undertaking, but to create an additional expense to the country, when resumed.

The court laws which had been passed in the year 1762 and continued in 1764, being about to expire, the



ed the appointment unconstitutional and oppressive. The discussions, occasioned by the stamp act, had at once convinced the colonists of their exemption from parliamentary taxation, and excited their jealousy of the designs of Great Britain. This new occasion brought forth additional essays on colonial rights, and now were written the celebrated "letters from a farmer of Pennsylvania, to the inhabitants of the British colonies," which had a rapid and extensive circulation through North America: they demonstrated the danger of a small tax, as establishing a bad precedent.

In the spring a new association was formed, on the west side of Haw river, in the county of Orange, and a paper subscribed, entitled "the request of the inhabitants of the west side of Haw river, to the assemblymen and vestrymen of the county of Orange." After noticing in the preamble, the ill success of the meeting at Maddock's mill, it was stated, that the subscribers found themselves obliged to seek redress, by paying no more taxes till they had a settlement for what was paid, and some regulations were entered into, providing against future peculation. They desired to be indulged with a general meeting at the court house, on some day, previous to the meeting of the next court.

Articles of association were entered into, by which the subscribers bound themselves to each other, not to pay any more taxes, till they could be satisfied of the proper application of their money, to resist the exaction of illegal contributions and to bear open testimony against acts of extortion practiced

by the officers of the county; to attend all meetings and conferences for the purpose of instructing their representatives and petitioning the governor, council and assembly, or the king and parliament, for the redress of their grievances; to contribute, according to their abilities, to collections to be made for the purpose of carrying on the design of the association. The individuals present, added the sanction of an oath to that of their signatures. They were afterwards joined by the inhabitants of Sandy creek and all those who had attended the meeting at Maddock's mill.

Hitherto the persons who had taken part in those popular proceedings, were designated by the appellation of the mob, and seemed to have adopted it themselves: at their next meeting, on the 4th of April, they changed it to that of regulators. They made choice of two persons who were directed to call on the two late sheriffs and the vestrymen and desire them to meet twelve deputies from the general meeting, on the Tuesday after the next county court and produce to them their accounts.

Before those two men could attend to the service required of them, some of the sheriff's officers, either to try the temper of, or exasperate the populace, took, by way of distress, a mare, saddle and bridle, for one levy, and carried them to Hillsborough; they were followed by a party of sixty or seventy men, who rescued the mare; then, marching to the house of Edward Fanning, an attorney and one of the representatives of the county, they fired a few

shots at the roof of it, to give him to understand, they considered him, the principal cause of the disturbance.

The minister of the parish undertook to perform the services which had been allotted to two of their body, and soon after brought for answer, that the sheriffs and vestrymen would attend, as requested, on the 20th of May. The regulators, in pursuance of this information, met on the 30th of April and twelve deputies were chosen. In the meanwhile, before the day appointed for the meeting, the governor having had information of the disturbances, sent David Edwards with a proclamation, summoning the regulators to disperse, and calling on the officers of the province to assist the sheriff in quelling the insurrection. Although, after their late meetings, the regulators had quietly returned to their respective abodes, the sheriff of Orange county took with him a party of thirty horsemen, well armed, and riding through the county to the distance of about fifty miles, took two of the principal regulators, Herman Husband and William Hunter, whom he brought to Hillsborough and confined in jail. These men were, however, shortly after released on bail. The regulators, hearing of the capture of two of their chiefs, gathered into large parties, in different parts of the county, and marched to Hillsborough. On the 3d of May, their number amounting to upwards of seven hundred, they took their stand at a short distance from town, and were joined by Herman Husband and William Hunter;

Isaac Edwards, who had not yet returned, rode on towards them; after reading the governor's proclamation, he informed them, that he had command, if the regulators continued embodied while he was up, to go to, and assure, them, on behalf of the governor, that on application to him, he would redress their grievances and protect them from the extortion and oppression of any officer, provided they would disperse and go home: the multitude cried out, agreed, agreed, and soon after separated.

On the 21st of May, the regulators held another general meeting and appointed a committee to wait on the governor, and lay their grievances before him. On this occasion, a short address was drawn up, in which they made solemn professions of loyalty to the king and strong attachment to the government, established in the province, and the committee were directed to implore, in the most submissive manner, the forgiveness of the governor for any error of theirs, which might be construed to derogate from the honor of the king's crown, or tend to the obstruction of the peace and good order of government.

For the information of the governor, the committee were furnished with copies of the proceedings, at the different meetings, which had been held.

An association having been also formed in the county of Anson, on the same principles as that in the county of Orange, a communication was received at this meeting, from the regulators in the former county, offering their co-operation in such measures as would be judged proper to be adopted, in order to procure relief,

and praying information, as to the manner, in which the proceedings of the regulators had been carried on in the latter county. A committee was appointed to return a suitable answer and supply the desired information.

In the latter part of the month of June, James Hunter and Rednap Howell, two of the regulators, on behalf of the committee, waited on governor Tryon, at Brunswick, with the address of the general meeting, and the copies of the proceedings at that, and all preceding meetings. These papers were laid before the council, and, in pursuance of the advice of that body, he answered, that the grievances, of which the regulators were complaining, did not, by any means, warrant the measures to which they had resorted: measures, which, he observed, if they had been carried but a little farther, would have been denominated, and must have been treated as high treason, and involved the abettors of them and their families, in ruin and destruction, while they were endeavoring to extricate themselves from evils, within the remedy of the laws; that these calamities were now, he trusted, averted by his timely proclamation, and their own prudent determination, to petition for the redress of their grievances; that the decent behaviour of colonel Fanning, and the officers and men under his command, would entitle them to the entire approbation of the governor and council, and would ever be acknowledged with praise, by every unprejudiced man, and wellwisher of the province. He wished all those, whose understandings had been run away with, or whose passions had been led into captivity, by evil designing men, who, actuated by cowardice, and a sense of the justice due to their crimes, had secreted themselves from public view,

to be made acquainted, that, in consideration of the determination, they had expressed of abiding his determination in council, it was the unanimous advice of the board, that they should, henceforward, desist from any further meetings, that all titles of regulators or associators, should cease among them; that the sheriffs or other officers of government should be permitted, without molestation, to execute the duties of their respective offices; and that all breaches of the peace, or other offences against the government, should be proceeded against, and determined by due course of law only. He added, it was only by a strict adherence to these directions, that any act of future clemency, on his part, might be looked for; that, always willing to listen to the voice of distress, he should ever be found ready to remove any hardships the king's subjects might be under; that he would direct the attorney general to prosecute every officer, who had been guilty of mal-practice or extortion, on information being lodged by the person injured; that, early in the next month, he would proceed to Hillsborough, and, on his arrival, issue a proclamation, forbidding so dishonorable and shameful practices.

The regulators having, as yet, proceeded to no very great excess, two of their chiefs having been taken and bound over, and the rabble being now quietly dispersed: the governor was blamed by many considerate men in the province, for the early part he took in these disturbances: they thought, as the offences committed were properly punishable, within the limits of law, and as the offenders were accountable to legal process, all that his duty could possibly require of him, on this occasion, if it required any thing at all, was to direct prosecution

against the offenders, and he ought carefully to have avoided becoming a party in the dispute. While, by enlisting himself a volunteer in this service and entering into a negotiation with the regulators, he came down to their level, and gave dignity to their emissaries.

Having directed the members of the council to meet at Hillsborough, early in the month of August, he proceeded to that town, which he reached in the first days of July.

On his arrival, he issued the proclamation which he had promised. The whole month of July elapsed, without his hearing any thing of the regulators. At length, these people however, animated by his presence in their neighborhood, resumed their former practice of gathering in numbers, enlisting men, training them to arms and holding up a determination of obstructing the execution of the laws. He directed Tyree Harris, the sheriff of Orange, to attend at one of the meetings of the regulators, in order to claim the public tax, and endeavor to dispose the people cheerfully to pay it, and submit to the laws. The sheriff was made the bearer of a letter, informing the persons to whom he was sent, that the governor had, according to his promise, come up to Hillsborough, issued his proclamation, and given strict charge to the attorney general, to commence prosecutions, against such officers as were charged with extortion or mal-practice; that it was by his advice, that the sheriff called on them to collect the public, county and poor taxes, for the preceding year, expressing his full confidence, that, according to the directions of his letter to them, from Brunswick, and, in justice to their engagement, to submit to his decision in council; they would

make it a matter of honor and conscience, that no obstacle should be put to the discharge of the duty, which the sheriff called upon them to fulfil, in obedience to the laws of their country.

The sheriff, however, returned without having collected any part of the taxes, the regulators unanimously bid him retire, and threatened to take his life, if he proceeded to distrain.

A few days after, the regulators sent two deputies to the governor, at Hillsborough, with an answer to his letter, framed at one of their meetings. The object of it was to complain, that their application had not been submitted to a full board, to treat of the insufficiency of the governor's late proclamation, and to express their intention of applying for redress to the legislature, at their next meeting.

The governor answered the deputies, that, as he expected a meeting of the council shortly, he would lay the communication they had brought, before them, and would apprise them in time of the result of their deliberation.

On the 11th, at night, information was brought at Hillsborough that a large body of the regulators, said to consist of upwards of one thousand men, was under arms in the vicinity of the town, with hostile intentions against it. The nearest companies of militia were called in, but it soon appeared, that the regulators had embodied themselves on the false alarm of an intention to attack them, and had returned to their respective abodes. Before the militia were dismissed, the governor caused an oath to be administered to them "with hearts and hands, life and goods, to main-



tain and defend the king's government in the province, against all persons whatever, who should attempt to obstruct or prevent the due administration of the laws, or the public peace or tranquility." Upwards of four hundred officers and men took the oath with alacrity.

On the meeting of the council, the governor laid before them the last message from the regulators, and with the advice of the board, replied, that he had entertained every reasonable expectation that his letter from Brunswick would not only have given them the most cordial satisfaction, but prompted them with the most ardent zeal to have immediately subscribed to the directions it contained in conformity to the resolution, declared in their address, and it was with sincere regret he now reflected on their disobedience and ungrateful return, by the total disregard of his directions and their unlawful refusal of paying the taxes which the sheriff had, at his request, called on them to collect. He added, that the candour with which he had treated their rash and precipitate conduct, and the just means and effectual measures he had pointed out for the removal of the causes of their complaints, would have given ample satisfaction to any person, who had addressed him with an intention of being content with receiving justice. He lamented that he had the mortification to find, by their last letter, that every lenient measure of his had been prevented, and the friendly aid he had offered to correct the abuses complained of, considered as insufficient, and he observed, that the object of the proclamation

was to caution public officers against, and to prevent extortion, which it was the exclusive province of the courts of law to judge and punish.


He showed, that the dissatisfaction they expressed in their address, and papers not being laid before all the members of the council, was equally groundless; for, by the king's instructions, three councillors constituted a board, and the presence of five was sufficient to the despatch of business of the highest moment, while there were six members of the board present, when their address had been acted upon.

He expressed his great satisfaction at the resolution they had taken of petitioning the legislature, and he assured them, his services, on that occasion, would not be wanting, for the redress of any real grievance.

In humanity to their misguided passions and in justice to his own integrity, he thought it necessary to represent to them, that they were pursuing measures, highly illegal and criminal, and acting on principles, not less void of faith and honor than, inconsistent with every moral and religious duty; that they had given occasion to every man of honor and property, by the open and unreserved threats they had thrown out against the lives and property of many of the inhabitants of the province, to look upon their designs, as bent, rather upon destroying the peace of the government and the security of the king's subjects, than as waiting for any legal process against those they imagined to have abused their public trusts. He concluded by acquainting them that upon those alarming prospects, he considered it his duty to provide for the safety of government, and to take care that the public

received no damage. To prevent, therefore, as much as possible, the heavy expense that must accrue to the province, by guarding against the insults that were intended to be offered to the superior court of justice, he peremptorily required, on their part, that twelve of the principal and wealthiest of them, should wait on him at Salisbury, on the 25th of the month, and in his presence, execute a bond in the penalty of one thousand pounds, as a security, that no rescue would be made of William Butler and Hermon Husband, at the next district court for the district of Hillsborough, to which they were recognised.

A reply was sent, subscribed, on behalf of the regulators, by James Hunter, Peter Julian and Thomas Wellborn. They bewailed their misfortune, in having incurred the governor's displeasure, and that their conduct had given him reason to view them, as bent rather upon mischief than waiting for justice. As to his demand of security, that Butler and Husband, should not be rescued, they observed, that the late alarms, the raising of troops, the threats held out of bringing down the Indians to cut off the inhabitants of the county, had been considered by the principal and most considerate men among the regulators, as being without ground; that they had, however, exerted their utmost influence in moderating and pacifying the resentment of their neighbors; that these men would ever use the same care and would ever, it was hoped, be able to govern the multitude by reason; yet none of them were willing to enter into a bond; and, if they were, they would likely lose, by such a step, all the influence they possessed before.



On the 22d of September, the day of the meeting of the superior court, for the district of Hillsborough, the regulators appeared and took their stand within half a mile of the town.

They gave the most positive assurance, that no design was entertained of releasing the persons bound over, and beseeched the governor to dissolve the present, and call a new assembly.

They were about 3700 in number. After a short halt, a messenger was sent to the governor, assuring him, that if he would let them come in, peaceably, to complain of their grievances against the officers, pardon all past breaches of the peace, except as to Butler and Husband, they would disperse and pay their taxes.

The governor, in reply, required the surrender of all their arms in pledge, till the persons charged were tried. About thirty men complied, but the rest returned home.

Four bills of indictment, for a riot, against Hermon and Husband, were sent to the grand jury; one only was found a true bill, but he was acquitted on it by the traverse jury.

William Hunter and two others were indicted, tried and found guilty of a riot, for which they were condemned to pay a heavy fine and suffer a long imprisonment; two of these individuals broke jail, and the third remained in prison, though the door was broken open; but the governor pardoned him, as well as those who had escaped.

A number of indictments for extortion were found against Edmund Fanning; he was found guilty on all of them and fined one penny in each case.

On the rise of the superior court, the governor issued his proclamation for pardoning all persons concerned in the late insurrection, except James Hunter, Ninian Hamilton, Peter Craven, Isaac Jackson, Hermon Husband, Matthew Hamilton, William Payne, Ninian Bell Hamilton, Malachy Fyke, William Moffat, Christopher Nation, Solomon Goff and John O'Neal.

*Chalmers—Marshall—Records.*

## CHAPTER VIII.

THE legislature held its third session at Newbern, on the third of November, 1768. After stating the measures which had been pursued in quelling the late commotions, the governor recommended to the attention of the houses an enquiry into the causes of it, with a view to redress all real grievances ; and the necessity of making provision for the expenses which had been incurred. He acquainted them, that the address transmitted by their committee to the king, praying him to allow a new emission of paper money, had been received, and he was instructed to say, that, as the power of creating a paper currency, to be a legal tender, it was restrained by an act of parliament, and it was not in the power of the crown to exercise any discretion on that subject. He again urged the necessity of providing a stock of powder and lead, which the situation of the province rendered necessary.

The speaker laid before the lower house a circular letter, of the 11th of February, addressed by the house of representatives of the province of Massachusetts to the speaker of the house of representatives and burgesses of the respective provinces.

It began by stating, that the house having taken into their serious consideration the great difficulties that must accrue to their constituents, by the operation of several acts of parliament, imposing duties and taxes on the

American colonies, and considering the subject, as one, with which every colony was deeply interested, they doubted not, the respective bodies which they addressed would be duly impressed with its importance, so that such constitutional measures would be adopted, as circumstances rendered proper : and fully persuaded of the necessity there was of the several provinces harmonising with each other on so delicate a point, they expressed a hope, that their application would be considered in no other point of view, than as expressing a ready disposition freely to communicate their ideas to the sister colonies, upon a common concern, in the same manner as they would gladly receive the sentiments of any other house of assembly on the continent.

They adverted to the humble representation of the sentiments, which they had made to the king's ministry : that parliament was the supreme legislative power over the whole empire ; that in all free states, the constitution was fixed, and, as the supreme legislature derived its power and authority therefrom, it could not overleap the boundaries of it, without destroying the foundation on which its existence rested ; that the constitution, maintaining and boasting both sovereignty and allegiance, the colonies, who acknowledged themselves under the tie of allegiance, had an equitable claim to the full enjoyment of the fundamental rules of the British constitution ; that it was an essential, unalterable right of nature, engrafted in the British constitution, as a fundamental law, ever held sacred and irrevocable by the king's subjects within the realm, that whatever a man had honestly acquired was absolutely his own, which he might freely dispose of, and which could not be taken from him without his consent ; that the colonists might, therefore, exclusively

of any charter rights, with a decent firmness adapted to the character of freemen and subjects, assert this natural and constitutional right.


They expressed their opinion, with the greatest deference to the wisdom of parliament, that the acts of that body, imposing duties on the people of America, for the sole and express purpose of raising a revenue, were infringements of their natural and constitutional rights; because, as they were not represented in parliament, the commons of Great Britain granted their property, without their consent.

They avowed the opinion, that their constituents, considering their local circumstances, could not, by any possibility, be effectually represented in parliament, being separated by an ocean one thousand leagues wide; that for this reason, the king's predecessors had formed subordinate legislatures in the colonies, that the people might enjoy there the unalienable right of representation; that under the impression of the impracticability of a full and equal representation of the colonists in parliament, and the great expense that would attend even a partial representation, they judged the taxation of their constituents, even without their consent, grievous as it was, preferable to such a representation, as they could enjoy.

Upon these principles, and even if the right of parliament was ever so clear, they judged, for obvious reasons, it would be beyond the rule of equity, that their constituents should be taxed on the manufactures of Great Britain, in the colonies, in addition to the duties they paid for them in Europe, and the advantages arising to the mother country from the acts of trade.



The house then informed the assemblies, that they had presented a humble, dutiful and loyal petition to the king, and made such representations to his ministers, as they apprehended would tend to obtain redress; that they had submitted to consideration, whether any people could be said to enjoy any degree of freedom, if the crown, in addition to its undoubted authority of constituting a governor, should appoint him such a stipend, as it should judge proper, without the consent of the people, and at their expense; and whether, while the judges of the land and other civil officers held not their commission during good behaviour, their having salaries appointed to them by the crown, independent of the people, had not a tendency to subvert the principles of equity and endanger the happiness and security of the people; that, in addition to these measures, they had addressed a letter to their agent in England, the sentiments of which he was directed to lay before the ministry, wherein they took notice of the hardships of the act for preventing mutiny and desertion, which required the governor and council to provide enumerated articles for the king's marching troops, and the people to pay the expense; and also the commission of the gentlemen, appointed commissioners of the customs to reside in America, which authorizes them to make as many appointments as they think fit and pay the appointees what sums they please, without being accountable for their misconduct, from whence it might happen, that officers of the crown might be multiplied to such a degree, as to become dangerous to the people, by virtue of a commission, which did not appear to offer to trade such advantages, as many had been led to expect.



They expressed their belief, that, on account of these their sentiments and proceedings, they had too much reason to think, the enemies of the colonies had represented them to the king's ministers and parliament, as factious and disloyal, and having a disposition to make themselves independent of the mother country ; and protested, as they had taken occasion to assure the king and his ministers, that, with regard to the people of the province of Massachusetts, and in their belief, as to all others on the continent, the charges were unjust.

They concluded, by expressing their full satisfaction, that the assemblies of the provinces were too generous and enlarged in sentiment, to believe, that their address proceeded from an ambition of taking the lead and dictating to others ; they submitted their opinions to the judgment of those they addressed, with assurances, that they would take it kind, if any of them should point out any thing further, necessary to be done, and satisfied them, from confidence in the king, the common head and father of all, the united and dutiful supplications of his American subjects would meet his royal and favorable acceptance.

The scarcity of money rendering it impracticable to defray the expenses, incurred by the late expedition to Hillsborough and running the dividing line between the back settlements and the Cherokee hunting ground, it became impossible to do any thing more than secure the demands of the creditors of the province, by certificates, issued from the treasury ; accordingly, debentures or notes, receivable there, to the amount of twenty thousand pounds, were directed to be issued, and for the redemption of them, a poll tax of two shillings was laid.

With a view to enable the industrious poor to discharge their taxes, inspectors' notes, for tobacco, hemp, rice, indigo, wax, tallow and deer skins, were directed to be received.

The county of Mecklenburg was divided, and the western part of it erected into a new county, which, in compliment to the governor, was called Tryon.

George Mercer of Virginia, who has already been mentioned as stamp master of that province, was this year appointed lieutenant governor of North Carolina.

On the 6th of May, the governor dissolved the general assembly by proclamation.

The disturbances in the western counties were far from being quelled. Early in the spring, John Lea, the sheriff of the county of Orange, attempting to serve a warrant, for a breach of the peace, on Hanson Hamilton, one John Pugh and two other regulators fell upon, compelled him to desist and beat him with great cruelty.

On the 9th of September, the governor, in pursuance of instructions received from the minister, issued his proclamation for the pardon of all persons, whatever, concerned, even in regard to fines.

The new legislature met at Newbern, on the 23d of October. The governor informed the houses, that the king had left the regulation of Indian affairs to the colonies, whose legislature, it had been thought, must be the best judges of what their several situations and circumstances might require; but that the office of superintendant would be continued, for such matters, as required immediate negotiation between the crown and the Indians, which

could not, consistently, be regulated by legislative authority.

He observed, that, as it was not in the power of the king, to dispense with the act of parliament, respecting the legal tender of paper currency in the colonies, no petition for an emission of that currency, as a legal tender, could meet with success, and added, that this intimation was not intended to preclude the fullest consideration, that could be given, to any representation the assembly might make on that subject, or any plan they could suggest for that purpose.

As the affairs of the province must, in some degree, necessarily suffer delay, from the want of a regular agent at home, duly authorized to act in every case in which the colony might be concerned, he informed the houses he was authorized to give his assent to a law, for raising a sum sufficient for the salary of such an officer, provided he was appointed by an act, passed especially for that purpose; as the act was to originate in the lower house, it would follow, that the name of the person must be inserted there, although the other two branches of the legislature would each have a negative vote on the bill.

He drew the attention of the houses to a late act of parliament, for the encouragement of the culture of raw silk in America: as this object was of considerable importance to the mother country and the colonies, he pressed the houses to second the efforts of parliament and pursue such measures, by premiums or otherwise, as might induce the inhabitants of the province to enter with spirit and expedition, on so useful and profitable a species of culture.

He concluded by observing, that he was authorized to give them assurances, that the king's ministers had at no time, entertained a design to propose to parliament to lay any further taxes on America, for the purpose of raising a revenue, and that it was their intention to propose, at the next session of parliament, to take off the duties on glass, paper and colors, upon consideration of their having been laid contrary to the true principles of commerce. He assured the houses, such had always been and still were the sentiments of the king's present ministers and the principles by which their conduct towards America had ever been regulated, and expressed his reliance on the prudence and candor of the members, that they would give full credit to the late testimonies the king and parliament had afforded, of their attention and affection to the colonies, and this explanation of the measures of his servants; a confidence which would tend to remove the prejudices, excited by the misrepresentations of those who were jealous of the prosperity of Great Britain and the colonies, and would re-establish that cordiality and affection, on which the glory and safety of the British empire depended.

He renewed his application for a provision of lead and powder for the service of the king and the defence of the province, and recommended a strict examination into the state of the public finances.

The lower house replied, that the information he had been pleased to afford to them, as to the intention of the king's ministers, was very grateful to them and would be much more so, when they would find those designs carried into execution, even upon the consideration that the duties intended to be repealed had been laid contrary to the true principles of commerce, and expressed their

joy, to find that the sentiments of the king's ministers coincided with their own. They observed, that a provision of powder and lead, while the province enjoyed a profound peace, appeared to them, by no means necessary, as every tax or clog on trade must discourage commerce. They agreed with the governor in the opinion, that the public funds, at no time since the settlement of the province, required a more strict examination, and the necessity there was, that a settlement of all public accounts should be forthwith obtained, and the situation of the public finances of the province made known to the people.

On the 9th of May, 1770, governor Tryon's speech and the address of the house being read in parliament, Mr. Drake made a motion, that it was derogatory to his majesty's honor and to the freedom of parliamentary deliberation, to pledge the faith of the crown to the colonial assemblies, for the repealing or laying, or continuing any taxes or duties whatsoever: but it passed in the negative.

On the 2d of November, the speaker laid before the house a communication from the house of burgesses, of the province of Virginia, written on the 9th of May last.

It began by stating, that the house of burgesses, having attentively considered several late acts of parliament, and being of opinion, that they manifestly tended to deprive the inhabitants of the colonies of their essential rights and privileges, had thought it their duty, as representatives of a free people, to take every regular step to assert that constitutional liberty, for the destruction of which, those laws seemed to be enacted; and had thought, proper therefore, to represent that they were sensible

of the happiness and security they derived from their connexion with, and dependence on, Great Britain, and their great concern, that any unlucky incident should interrupt that salutary harmony which they ever wished to subsist. They lamented, that the remoteness of their situation often exposed them to such misrepresentations, as were apt to involve them in censures of disloyalty to their sovereign and the want of a proper respect for the British parliament, whereas, they had indulged themselves in the agreeable persuasion, that they ought to be considered inferior to none of their fellow subjects in loyalty or affection.

They disdained any affectation of independence on from the parent kingdom, the prosperity of which they professed themselves bound to the utmost of their abilities to promote, and declared their cheerful acquiescence in the authority of parliament to make laws for preserving a necessary dependence and for regulating the course of trade in the colonies; yet they could not conceive and humbly insisted, it was not essential to support a relation between a mother country and colonies, transplanted from her, that she should have a right to raise money thenceforth without their consent, and presumed they did not aspire to more, than the national rights of British subjects, when they asserted that no power on earth had a right to impose taxes on the people, or take the smallest portion of their property without their consent, given by their representatives in parliament. This had ever been considered as the chief pillar of the constitution; without this support no man could be considered to have the least shadow of liberty; since they could have no property in that, which another could

by right take from them, when he pleased without their consent.

They observed that their ancestors had brought with them entire, and transmitted to their descendants, the natural and constitutional rights they had enjoyed in their native country, and the first principles of the British constitution were early engrafted into the constitution of the colonies. Hence a legislative authority, over essential in all free states, was derived from and assimilated, as near as possible, to that of England. The executive power and the right of assenting to and dissenting from all laws reserved to the king, and the privilege of choosing their own representatives vested in the people, continued confirmed to them by repeated and express stipulations. The government thus established, they enjoyed the fruits of their own labour with a security which liberty alone could impart. Upon pressing occasions they applied to the king for relief, and gratefully acknowledged, they frequently received it from their mother country. Whenever their assistance became necessary, requisitions had been constantly made from the crown to the representatives of the people, who had complied with them to the utmost extent of their abilities, and the ample provisions made for the support of civil government, in the reign of Charles II. and, at his request, the large supplies, voted during the last war, upon the requisitions of the former and present king, afforded early and late instances of the disposition of the assemblies of the province of Virginia, and were sufficient proofs, that the parliament of Great Britain, had not,



till lately, assumed the power of imposing taxes upon the people for the purpose of raising a revenue.

They added, that to say, that the commons of Great Britain had a right to impose internal taxes on the inhabitants of the continent, who were not, and could be, represented, was in effect to bid them prepare for a state of slavery; for the colonies having no constitutional check on their liberality in giving away their money, could not have an opportunity of explaining their grievances or pointing out the easiest method of taxation, and their doom would generally be determined, before they became acquainted, that the subject had been agitated in parliament.

They observed, the oppressive stamp act confessedly imposed internal taxes; and the late acts of parliament, granting certain duties on the British colonies, plainly tended to the same point. They complained that duties had been imposed to enhance the commerce of one part of the empire, that were likely to prove injurious to another, and by this means the welfare of the whole was injured; and duties imposed on such of the British exports as were necessities of life, to be paid by the colonists on importation, without any view to the interest of commerce, but merely to raise a revenue, or in other words, to compel the colonies to part with their money against their inclination, they conceived to be a tax internal to all intents and purposes, and it could not be thought just or reasonable, that, restricted as they were in their trade, confined in their exports, and obliged to purchase these very necessities in the British market, they should be told they could not have them without paying a duty for them.

They considered the act suspending the legislative power of the province of New-York, as still more alarming to the colonists, although it had that single province in view; for, if the parliament could compel them to furnish one single article to the troops, sent over, they might by the same rule, oblige them to furnish clothes, arms and every other necessary, even the pay of the officers and soldiers, a doctrine replete with every mischief and utterly subversive of all that is dear and valuable; for the colonists could derive no advantage from the right of choosing their own representatives, if those representatives, when chosen, were not permitted to exercise their own judgment and were under the necessity, on pain of being deprived of their legislative authority, of enforcing the mandates of the British parliament.

The house of burgesses stated, that these sentiments had been expressed in an address to the king, a memorial to the lords and a remonstrance to the house of commons; that the council of the province had concurred in them, and James Abercrombie and Edward Montague, the agents of the province, had been directed to unite in their best endeavors to obtain redress of the grievances complained of, and to co-operate with the agents of the other colonies, in every measure that should be deemed necessary on this delicate point.

They concluded with a hope, that they had expressed themselves on the occasion, with a firmness that became freemen, pleading for their fundamental rights, and with a decency, that would exempt them from an imputation of faction and disloyalty; and they had made known their proceedings on this sub-

ject, with, a view that the representatives of the people of North Carolina, being acquainted with them, might go hand in hand in opposition to measures which had an immediate tendency to enslave them, and were persuaded that the candor of the house would not consider it in any other light, and trusted, that by a hearty union of the colonies, the constitution might again be established on its genuine principles; an end equally to be desired, both by the mother country and the colonies.

The house came to a resolution, that the sole right of imposing taxes on the inhabitants of the province, was, and had ever been, legally and constitutionally vested in the the house of assembly, lawfully convened, according to the ancient and established practice, with the consent of the council and the king, or his governor; that it was the undoubted privilege of the inhabitants of the province, to petition the king for the redress of grievances, and it was lawful and expedient, to procure the concurrence of the other colonies, in dutiful addresses, praying the royal interposition, in favor of the violated rights of America; and that all trials for treason, misprision of it, felony or any other crime, committed in the colony, by any person residing in it, ought, of right, to be in one of the king's courts, held there according to its fixed and known rules of proceeding; and that seizing any inhabitant on suspicion of any crime committed in the province, to be sent beyond sea for trial, was highly derogatory to the rights of the British subjects, as thereby, the inestimable privilege of being tried by a jury of the vicinage, as well as the liberty of summoning and producing witnesses, at the trial, was  
away from the party accused.

An address was prepared for the king. It began by assurances that his subjects, in North Carolina, were distinguished by their loyalty and firm attachment to him and his ancestors, were far from countenancing treasons, and ready at any time to sacrifice their lives and fortunes, in defence of his person and government. It expressed the deepest concern, and heartfelt grief of the house, that their loyalty had been traduced, and those measures, which a just regard for the British constitution made necessary duties, had been misrepresented, as rebellious attacks on his government.

The house next observed, that, when they considered, that, by the established laws and constitution of the colony, the most ample provision was made, for apprehending and punishing any person, who should dare to engage in any treasonable practice, or disturb the tranquility of government, they could not, without horror, think of the new, unusual, illegal and unconstitutional mode, recommended to the king, of seizing and carrying beyond sea, the inhabitants of America, suspected of any crime, to be tried in any manner contrary to the ancient and long established course of proceeding; they pitied the deplorable situation of an American, who, having incurred the displeasure of any person in power, might be dragged from his native home and his dearest domestic connexion, thrown into a prison, not to await his trial before a judge or a jury, from a knowledge of whom, he might be encouraged to hope for speedy justice; but to exchange his imprisonment in his own country, for fetters among strangers, conveyed to a distant land, where no friend nor relative would alleviate his distresses or minister to his necessities, and where no witness could be found to testify his innocence, shun-

ned by the respectable and honest, and consigned to the society and converse of the wretched and abandoned, he could only pray them to end his misery with his life.

Truly alarmed at the fatal tendency of these pernicious councils, and with hearts filled with anguish, by invasions so ingenious of their dearest privileges, the house prostrated themselves at the foot of the throne, beseeching the king, as their sovereign and father, to avert, from his faithful and loyal subjects, the miseries which must necessarily be the consequences of such measures.

The address concluded, by expressing the firm confidence of the house, in the royal wisdom and goodness, and assurances, that the daily prayers of his people in the province, were addressed to the Almighty; that he might, long and prosperously, reign over Great Britain and his other dominions; and that, after death, he might taste the fullest fruition of eternal bliss; and that one of his descendants might wield the sceptre over the extended British empire, till time should be no more.

The address, as well as the resolutions, was assented to, without a dissenting vote, and the agent of the province was directed to procure it to be presented to the king, and afterwards published in the English papers.

The only public act, passed at this session, was for the appointment of Henry E. M'Cullough, agent of the province.

The governor informed the house, by a message, that some of the resolves on their journals, after the assurances he had given them in his speech, had sapped the foundation of confidence and gratitude, torn up by the root, every sanguine hope he had entertained, to render the province any further service, if he had render-

ed it any, and made it his indispensable duty to put an end to the session.

The house replied, that his assurances, at the opening of the session, of the repeal of certain acts, so contrary to the interests both of Great Britain and America, had the repeal of them been in his power, would have been a certainty, upon which the house could not but have relied, without, indeed, sapping the foundation of confidence and gratitude, and justly forfeiting all title to his future favor and services; but, as those assurances were in consequence of expectation, formed on the intentions of ministers, to recommend such repeals to parliament, who might not be in place at the next meeting of that body, the house could not but think it a duty they indispensably owed to their constituents, to express their disapprobation of acts and measures, in their apprehension, grievous and unconstitutional. To this motive alone, they begged him to impute these resolves, and not to a loss of confidence in him, or a want of a very grateful remembrance of the signal services he had rendered to the province; and they took this opportunity of declaring to the world, that the benefit which had accrued to the province, from his administration, had excited in their bosoms, the warmest sensations of gratitude, and would, deservedly, obtain for him, the blessings of posterity.

The governor answered, he was sorry to observe, the house had founded their late conduct on a jealousy of the intentions of ministers, who might not be in office at the next meeting of parliament. He assured them he had received the sentiment, which he had communicated, as the voice of the crown, and did not believe a

change in the ministry, would produce any in the measures adopted by the king's present servants.

On meeting the two houses, a few hours after, he observed, he had met them with a most sincere disposition to forward public business. He made his public acknowledgments to the upper house, for the cheerful desire they had manifested of co-operating with him, and expressed his gratitude to the other, for the honorable testimony they bore to the rectitude of his intention, and prayed them to believe the interruption, which had been given to the business of the session, did not occasion more disappointment to them, than its cause produced real affliction to him.

He observed, the plan he laid before them for the management of their finances, if adopted by the legislature, and invariably pursued, would produce the happiest effects to the province; and he would be bold to say, if ever carried in any future session, into an act of the legislature, it would be acknowledged the most beneficial session the province ever witnessed, even if the act should be the only one passed. He lamented, that this blessing was not to be obtained, while the treasurers, late sheriffs, and their securities could command a majority in the lower house, and while a treasurer was suffered to absent himself, and withhold his public accounts from the general assembly, let the pretence of his absence be ever so urgent. He concluded, that, as his duty preceded every other consideration, he was compelled to dissolve the assembly.

In the beginning of the new year, the tranquility of the province began again to be disturbed. The regulators, assembling themselves in large parties, visited the

counties in the upper districts, ill treating those who refused to join the standard of revolt. Maurice Moore, the associate justice, who attended at Salisbury in the month of March, for the purpose of holding the superior court, reported to the governor, that the sheriffs of the several counties of that district, complained heavily of the opposition made to them, in the exercise of their duties, by the regulators; that it was impossible to collect a tax or levy an execution, "plain proofs, among many others," said the judge, "that their designs have even extended farther, than to promote a public inquiry into the conduct of public officers. This evil, though cognisable by the courts of law, no civil process could redress, for this obvious reason, that none could be executed among those people." The judge concluded his report by observing, he had advised the sheriffs, to petition the governor and general assembly; and he prayed, that it might not be found necessary to redress this evil, by means equal to the obstinacy of the people who had given occasion to it.

The contagion had spread even into the lower counties. In the month of April, Simon Bright, the sheriff of the county of Dobbs, having a warrant to apprehend Thomas Blake and John Coulie, two men who were attempting to spread the principles of the rebellion in that county, was attacked by a party of their proselytes, who killed James Lindsay, one of his assistants, and compelled the sheriff to abandon his purpose.

Richard Henderson, one of the associate justices, went up to Hillsborough, in the latter part of September, for the purpose of holding the superior court of law, for that district; but the regulators, who were as-



sembled in great numbers, forcibly obstructed the proceedings of the court, compelled the judge and other officers of justice, to leave the court house, took possession of the records and blotted a considerable part of them. After giving an account of these tumultuous proceedings, to the governor and council, the judge observed, that as to pointing out the most effectual steps, to bring the offenders to condign punishment, he was apprehensive no process could issue, in the present situation of affairs, that could bring about so great an end, as no obedience had been paid to any process whatever, by the insurgents, who, if apprehended, went under the existing court law, and were tried in the district in which the crime was committed, a circumstance, which the recent instances of their conduct being considered, left room to apprehend the inefficacy of every measure, that might be derived from that source. The judge proposed, that the legislature might be convened, immediately, and that the colonels of particular counties might be ordered to muster their regiments, in order to ascertain what number of men would be disposed to act as volunteers, on whose conduct, when called out, reliance might be placed.

The council, however, thought it best not to convene the legislative body, before the day to which it stood prorogued; this determination was, perhaps, produced by an unwillingness to have the session held in the upper parts of the province; a severe epidemic, which then raged in the eastern part of it, forbidding its meeting at the usual place.

A charter was granted to the inhabitants of the town of Hillsborough, authorizing them to choose a repre-

sentative in the lower house, a measure which is said to have been taken to secure a seat for Edmund Fanning, an attorney of influence, who has already been mentioned in this chapter and who was a great partisan of the governor and extremely obnoxious to the regulators; these people were so greatly exasperated by this circumstance, that they spoke of coming down in arms forcibly to prevent his taking a seat, and threatened, in case they failed in the attempt, to set fire to the town of Newbern; the governor was so apprehensive, that they would carry their threats into execution, that he caused a ditch to be dug along the part of the town, from Neuse to Trent river, which is bounded by Muddy and part of Queen street, and was the only inhabited part of it; orders were issued to the colonels of the militia in the counties on Neuse, and some of those on Tar river, to hold themselves in readiness to march on the first news of the approach of the regulators, and oppose their passage; colonel Leech, of the county of Craven, was directed to order his regiment into town, for the protection of the legislature.

The legislature met at Newbern, on the 5th of December; the governor received them in the palace, which had lately been finished, and to which he had now removed. The building was superior to any of the kind in British North America; and the writer of this history, who visited it in 1783, in company with the late renowned and unfortunate don Francisco de Miranda, heard that gentleman say, it had no equal in South America.

It was dedicated to Sir William Draper, the conqueror of Manila, who was on a visit at governor Tryon's; and was said to be the author of the following lines, inscribed over the principal door, in the vestibule:

*Rege pio, felix, divi inimica tyrannis,  
Virtuti has ædes libera terra dedit.  
Sint domus et dominus sæclis exempla futura,  
Hic artes, mores, jura, legesque colant.*

Which are translated thus :

In the reign of a monarch, who goodness disclos'd,  
A free, happy people, to dread tyrants oppos'd,  
Have, to virtue and merit, erected this dome ;  
May the owner and household make this the lov'd home,  
Where religion, the arts and the laws may invite  
Future ages to live, in sweet peace and delight.

The proportion of the new members was about the fourth of the whole. The attention of the legislature was drawn, by the governor's speech, to the abuses in the management of the finances of the province, the prevailing, real or feigned, complaints against public officers, the evils arising from the quantity of counterfeited money in circulation, and the injuries offered to the king's government, at and since the late superior court for the district of Hillsborough.

He said, it was a matter of great concern to every honest man in the province, that after the frequent solicitations which had been made, for a just statement of the public revenue, none had as yet been produced. He observed, the plan, he had laid before the houses, at the last session, stood unimpeached, as to propriety, regularity and method ; he referred it to the consideration of the houses, with a wish that a law might now be passed, for the adoption of it. He suggested the propriety of restraining public treasurers, by severe penalties, and the deprivation of their offices, from being directly or

indirectly engaged in trade, a restraint which would be a check against the temptation of employing the funds of the public as a stock for private trade, and allow the officers more leisure to attend to the duties of their stations; he complained of the liberty, former treasurers had assumed, of taking moneys at pleasure from one fund, to make up the deficiencies of others, a practice which had introduced much confusion in public accounts; and pointed out the necessity of establishing such regulations in the offices of the treasurers, as would prevent further irregularities, bring into public view past transactions and remove the jealousies which the people too justly entertained.

He besought them to make the most scrupulous enquiries, with regard to the complaints against public officers, which were either the cause or the pretence of the late disturbances, to provide for the redress of any grievance which might exist, and to establish fees of office, in so express and determined a manner, as would remove even the possibility of doubt or abuse.

He observed, the circulation of a large quantity of counterfeited money, afforded a presumption, that persons of property and ability were concerned in this kind of traffic.

He laid before the houses the depositions, which had been sent him, of the late disturbances, during the sitting of the superior court for the district of Hillsborough, and recommended them to provide for raising a sufficient body of men, under the rules and discipline of war, to march into the settlements of the insurgents, to aid and protect the magistrates and civil officers.

He made his grateful acknowledgments to the province, for the elegant edifice in which he met the houses.

He concluded, by acquainting the houses that, the king having indulged him with leave of absence, he should think his earnest endeavours well rewarded, if he could have the happiness, on his return to England, to inform his sovereign, that the wisdom of the houses had enabled him to give stability and a permanent regularity to the interior police of the province, and to restore the blessings of peace to its inhabitants.

Both houses echoed the sentiments of the chief magistrate ; the lower house observed, in regard to the evils, flowing from the great quantity of counterfeited bills in circulation, that nothing less could remedy them, than to call in all public certificates and currency, by an emission of a new medium, which, it seemed, the legislature would not be permitted to do.

They bewailed the approaching departure of the governor, and lamented, that it was a misfortune, peculiar to the province, that as soon as a governor had become acquainted with its constitution and the temper of its inhabitants, he was, by some ill fated means, removed ; an observation very complimentary, as all the governors of the province, since it had become a royal province, had long ruled over it, and were suffered to preside till their death.

A seditious piece, in the Gazette, in the form of a letter, directed to Maurice Moore, one of the associate justices, having arrested the attention of the lower house, was referred to the committee of propositions and grievances ; Hermon Husband, one of the members of the house for the county of Orange, being suspected of having had it published, was summoned before the committee, and, on his examination, appeared greatly to prevaricate ; his conduct, in this and other respects, was

referred to a committee of the whole house, who reported, that he was the publisher of the piece; that he was one of the people, calling themselves regulators, and had been a principal mover and promoter of the late riots and tumults, in the county of Orange and other parts of the province; that he had insinuated, that in case he should be confined, by order of the house, a number of people would come down and release him, an information, which the committee received as a daring insult offered to the house, tending to intimidate the members in the due discharge of their duty; the house concurred with the report, and came to a resolution, that the member had rendered himself unworthy of a seat in, and justly incurred the contempt, of the house, and a vote of expulsion immediately passed.

The governor, apprehensive that the return of this man into his county, especially under the irritation which his expulsion was calculated to excite, might be productive of fatal consequences, wished to have him arrested, and having called the council, submitted the propriety of the measure to their consideration. The board disapproved of it: however, at his request, chief justice Howard, one of them, heard witnesses at the council table, and issued a warrant for the apprehension of Husband: he was committed under it and remained several days in jail, before he could procure bail.

With a view to prevent a repetition of the tumults and riots, which had distracted the province, an act was passed, making it the duty of every justice of the peace or sheriff, on being informed of the assemblage of any number of persons, above ten, for the purpose of disturbing the peace, to repair to them, require and command them to disperse and return to their respective

habitations; and it was made felony, without the benefit of clergy, for such persons to remain assembled, to the number of ten, for more than one hour. It was made the duty of the justices and sheriffs to call the assistance of any of the king's able subjects, to apprehend the persons, thus continuing together. It was also made felony for any number of persons above ten, assembled together, with an intention of disturbing the proceedings of any court of judicature, to assault or threaten any judge or officer of the court, during the term; to assault any sheriff or coroner, in the execution of the duties of his office, or to demolish or destroy any church, chapel, court house, prison, or other house or out house.

It being found very difficult to bring to justice persons, who had heretofore been guilty of any of the above offences, the attorney general was authorized to prosecute them in any superior court or court of oyer and terminer, in the province, and, on an indictment found, the judges were directed to issue a proclamation against the defendant, commanding him to surrender himself and stand his trial, and, on failure, he was to be held guilty and outlawed, and his lands and chattels forfeited. The governor was empowered to make drafts from the militia to enforce the execution of the law; and persons found embodied and in arms, to oppose the military force, refusing, on the command of a justice or sheriff, to lay down their arms and surrender themselves, were to be treated as traitors.

With a view to encourage migration, all persons who had come immediately from Europe to the province, and such as might thus arrive thereafter, were exempted from the payment of taxes for four years. A college

was established in the town of Charlotte: these two acts were, however, repealed by the kings in council.

Quakers were exempted from military service, except in case of invasion or insurrection.

The inspection laws were revised.

The fees of attorneys and clerks were regulated.

The chief justice was allowed a salary of six hundred pounds per annum and fifty pounds for every court, in lieu of all other fees or emoluments of office.

With a view to diminish the strength of the regulators, in the county of Orange, by division, three new counties were established; one consisting of parts of the counties of Orange, Cumberland and Johnston, which, in compliment to the lady of governor Tryon, was called Wake; another of parts of the counties of Orange and Rowan, which was called Guilford, and a third out of the southern part of the county of Orange, to which, the name of Chatham was given.

In order to afford some relief against the great scarcity of a circulating medium, a temporary act was passed, forbidding sheriffs to sell property, taken in execution, for less than two thirds of the appraised value; chattels, for which two thirds of the appraised value could not be obtained, were to be received in satisfaction of the debt, and the plaintiff was at liberty to take lands, or give further time. The king, province and British merchants were not to be affected by this act.

The northern part of the county of Rowan was erected into a new county, to which the name of Surry was given.

With a view to encourage the establishment of post-offices and post roads, which had lately been established by the postmaster general, through the province, a law



was passed, making the expense of ferrying mail carriers a public charge, and compelling persons, called upon by the rider, to carry the mail, in case of sickness or failure of his horse, and forward it to the next office, at the expense of the postmaster general.

On the request of the lower house, the governor caused all the books and papers of the secretary's office, to be removed from Wilmington to Newbern.

Several thousand families of the Presbyterian denomination, having removed from the mother country and the northern colonies, settled in the frontier counties of the province, exposed to the dangers of savage Indians, and subject to all the hardships and difficulties of cultivating a desolate wilderness, under the expectation of enjoying, to the fullest extent, the exercise of their religious privileges, as a people, attached to the doctrine, worship and discipline of the church of Scotland, as summed up in the Westminster confession of faith; and the Presbyterian ministers were prohibited, by an act passed in 1768, from celebrating the rites of matrimony among their congregations, according to their confession of faith, by publication in their religious assemblies, nor allowed, without license, unless by paying a fee to the Episcopal clergymen, the incumbent of the parish: the rigor of the law was relaxed and Presbyterian ministers, legally called and ordained in any congregation of the province, were allowed to solemnize the rites of matrimony, according to the Westminster confession of faith, between persons of the Presbyterian denomination and members of the minister's congregation, without paying any fee to the minister of the established church of England in the parish.

Six thousand pounds of powder and two thousand pounds of balls and shot were directed to be purchased by the captain commandant of fort Johnson.

Just as the legislature was about to adjourn, information was received, that the regulators had assembled, in great numbers, at Cross creek; on which the assembly voted a sum of five hundred pounds, to be at the disposal of the governor, in order to enable him to guard against their approach towards Newbern, whither, it was reported, they intended to come and set the palace on fire.

The legislature was prorogued on the 26th of January.

With a view to prevent the regulators from being supplied with ammunition, the governor, early in the month of February, issued a proclamation, prohibiting all merchants, traders, or others, from supplying any person with powder, shot or lead, until further notice.

Towards the latter part of the month, a letter from Redmund Howell, from Halifax, to James Hunter, a chief of the regulators, was intercepted and forwarded to the governor. It appeared the writer had been sent into the county of Halifax, with a view to induce the people to rise and march to Newbern, in order to join the men who were gathered at Cross creek, and intended to proceed to Newbern; but, having been detained, by some accident, on the road, he heard, on his arrival in Halifax, of Husband's being admitted to bail, on which he judged it unnecessary to stir the people. He expressed

his belief of the facility with which this would have been effected, if it had appeared useful. Soon after, accounts reached Newbern, that the men collected, at Cross creek, had dispersed; they were reported to consist of a body of twenty-two hundred and to have several waggons in their train.

Early in the month of March, it was determined in council, to raise a force, from the several regiments of militia, and the governor was advised to march, at their head, into the settlements of the regulators and reduce them by force, to obedience to the laws, and while the troops were among them, to assist the sheriffs in levying the taxes, protect the election of a new member, for the county of Orange, in the room of Hermon Husband, and support the commissioners appointed to run the dividing line between the counties of Orange and Guilford, as none of these acts of government could be executed without the assistance of a military force.

On the 7th of March, the sheriff, clerk, register and other officers of the county of Rowan, met a committee of the regulators, consisting of James Hunter, John Inyard, William Welborn, Thomas Flake, John Cany, James Wilson, Samuel Waggoner, David Gillespie, James Graham, Henry Wade, Peter Julian, Jeremiah Fields, John Vickney, Samuel Jones and Joshua Zagur: at this meeting the officers agreed "to settle with, and pay, every person in the county, any and all such sum or sums of money, as they or their deputies had taken through inadvertency or otherwise, over and above what they severally ought to have taken for fees, more

than the law allowed them to receive, without any trouble or law for the recovery of the same." The committee, on their part, agreed, that, "when any doubt should arise, all persons within the county, should give in their demands to such persons, as should be appointed by the people, in each neighbourhood to receive the same, and be determined by gentlemen, jointly chosen by both parties, whose judgment should be final." The persons were Mathew Locke, Hermon Husband, James Smith, James Hunter, Samuel Young, Thomas Person, John Cain and James Graham; John Frohock, clerk of the county court, Thomas Frohock, clerk of the superior court, John Brawly, register, Griffith Rutherford, sheriff, William Frohock, his deputy, Benjamin Miller, Andrew Ellison, Francis Locke, William T. Cole former sheriffs, Alexander Martin and John Dunn: they agreed to meet on the third Tuesday in May.

A special court of oyer and terminer was held at Newbern, on the 11th of March, under the late act of assembly, and bills of indictment were found against William Butler, John Gappen, Samuel Devincy, James Hunter, Mathew Hamilton and Rednap Howell, for riotously and feloniously breaking the house of Edmund Fanning, on the 25th of September, 1770, and others against the same persons and Hermon Husband, John Frost, Eli Branson, Thomas H. Smith, James Lowe, Daniel Smith, Jeremiah Fields, John Gule, William Dunn, Henry Litterman, Thomas Welborn, Ninian B. Hamilton, Peter Craven, William Payze, Robinson Yorke,

Reuben Sanderson, James Bignour, James Haridon, Samuel Culbertson and Patrick Crayton, for an assault on John Williams, at Hillsborough, on the 24th of September, 1770. Before the rise of the court, an association paper was drawn up, by which the subscribers solemnly engaged "to support government against the insurgents, at the risk of their lives and fortunes, and to adopt every salutary measure, in their power, for restoring peace and tranquility, and enforcing a due execution of the laws of the province." It was immediately subscribed by the governor, the members of the council, the speaker of the house of assembly, the grand jury and a considerable number of other persons of respectability. The paper was afterwards circulated through the county of Craven, and few persons withheld their signatures: similar papers were circulated in the neighboring counties, and they met with equal success.

. On the 24th of April, governor Tryon, attended by several of the members of the council and a number of other influential characters, marched from the town of Newbern, at the head of about three hundred men, a small train of artillery and a number of baggage waggons, to the settlement of the regulators, according to the recommendation of the council. On the 3d of May, he found himself at the head of a small body of men, composed of detachments from the county of New Hanover, under the orders of colonel John Ashe, of the county of Craven, under colonel Joseph Leech, of the county of Dobbs, under colonel Richard Caswell, of the

county of Onslow, under colonel Craig, of the county of Carteret, under colonel William Thompson, of the county of Johnston, under colonel Needham Bryan, of the county of Beaufort, with a company of artillery, commanded by captain Moore and a company of rangers under captain Neale.

The army marched, on the 4th, to Hunter's lodge, in the county of Wake, where they were joined by a detachment from that county, under colonel John Hinton. A party was ordered to attend the sheriff in levying the fines, due from the men, who had attended a muster of the militia, without arms, on the preceding day, and in collecting the taxes due in the neighborhood, except from those who had joined the army as volunteers.

On the ninth, they marched to Enoc river, and encamped within a few miles from the town of Hillsborough, where they were joined by a detachment from the county of Orange, under colonel Edmund Fanning; here an express arrived from general Waddle, with the information, that the regulators had surrounded him, with a force more considerable, than it was possible for them to collect, and in consequence of the desertion, or what was much worse, the connexion he had discovered to subsist between his own camp and that of the regulators, he had the mortification to make a retreat to Salisbury, the only resource left him; accounts were also received, that the regulators were advancing, with the avowed intention of opposing the governor's march, and fears were entertained, they would reach Haw river soon enough to obstruct his passage, the ford of that stream being so easily defended, that, on

that contingency, the crossing of it must have cost a great deal of blood. The inhabitants of the neighborhood being generally disaffected to the government, no intelligence, that could be relied upon, was to be obtained, except that the regulators were in considerable numbers and determined to give battle.

The army marched through the town on the following day; the sick were left there, as well as the carts attending the army, which were found to delay the march; waggons were substituted for them; the governor was joined by a volunteer company of light horse, under captain Bullock.

The troops advanced to Haw river on the 13th, and on the following day reached the great Alamance; one third of the army was ordered to remain under arms, during the whole night, to be relieved every second hour.

On the 15th, a messenger from the regulators brought a petition to the governor; the object of it was to desire, that he would redress the grievances of the people, as the only means of preventing that bloodshed, which, from the ardour of the leaders and of the troops on both sides, must otherwise ensue; his answer was desired within four hours; the governor sent the messenger back, with a promise that an answer would be returned on the following day, by noon. John Ashe and John Walker, who were sent out of camp on duty, were, in the evening, seized by the regulators, tugged up to trees, severely whipped and made prisoners.

At night, the orders of the preceding evening were renewed; the cavalry were directed to keep their horses saddled, during the whole night, and to keep a grand

guard of ten men, at about half a mile towards the head of the camp, a little off the road to Salisbury.

The army moved the next morning, at break of day, without beat of drum, leaving their tents standing, and their baggage and waggons in the camp; one company, from the detachment of Johnston county, with such men as were not able to march briskly, remained behind, as a guard to the camp, under the orders of colonel Bryan; the waggon horses were kept in their geers, and the whole army was drawn into a hollow square.

At a distance of five miles from the camp, the armies being within half a mile from each other, three guns were fired, as a signal to form the line of battle, which was immediately done. The governor's men were drawn into two lines, at the distance of one hundred yards from each other; the detachment of the counties of Craven and Beaufort formed the right wing of the front line, and those of the counties of Carteret and Orange the left, with the artillery in the centre; the detachment of the county of New Hanover, and three companies of the county of Dobbs, formed the right wing of the second line, and those of the counties of Onslow and Johnston, with the rest of that of Dobbs, the left; the detachment of the county of Wake, with a troop of light horsemen from that of Duplin, reinforced the rear guard; the rangers covered the flanks on both sides, facing to the right; the troop of light horse, from the county of Orange, escorted the governor; the detachment of the counties of Carteret and Onslow were directed, in case of an attack on the left wing, to form an angle from their respective lines, to cover the left flank.

The regulators were encamped at some distance; their number exceeded, in a small degree, those of the



governor; they were headed by Hermon Husband, James Hunter and William Butler; they answered the governor's guns by three huzzas and beating to arms. A message was then sent them, in reply to their petition; the purport of it was, that the governor had, in every circumstance, both in his particular and legislative capacity, pursued every measure that was in his power, to quiet them, but without effect; he had now nothing to offer them, but was bound to require of them an immediate submission to government, a promise of paying their taxes, so long withheld from the public, an immediate return to their respective places of residence, and a solemn assurance, that they would no longer protect the individuals who were indicted, from a fair trial for their offences; he concluded, by allowing them one hour to consider, and if they did not then yield and accept so fair a proposal, the circumstances that would follow would be imputed to them alone.

On the arrival of the messenger at the camp of the regulators, they impatiently heard the reading of the governor's answer to their petition, and bid him return to Billy Tryon, and say they defied him, and battle was all they wanted; some of their leaders, however, prevailed on them to listen to a second reading of the paper; but they again expressed their impatience to come to an engagement, with the most violent imprecations. On the return of the messenger, the army marched to within three hundred yards of the regulators' camp, and there halted. The regulators advanced also, in order of battle, to a short reach of the road, where they halted likewise, waving their hats as a challenge, to dare their opponents to advance.

Governor Tryon now sent a magistrate and an officer, with a proclamation, commanding the insurgents to disperse within one hour: the magistrate read it aloud, in front of the lines; but they disdained listening to him, crying out battle! battle!! On the return of the magistrate, the governor understanding that the regulators proposed putting John Ashe and John Walker in front of their lines, sent a message, that, as he should keep the prisoners he had taken in a place of safety, he hoped the same care would be taken of those gentlemen. To this, they returned no direct answer; but proposed to surrender these two prisoners, if the governor would surrender those he had taken, seven in number. The proposition of so unequal an exchange, implying a concession on the part of the governor, was, at first, rejected; but, at last, at the solicitation of his men, who were apprehensive of the treatment that these two persons might receive, he agreed to the exchange. The enemy being tardy in their compliance, and the army complaining of the extreme heat of the sun, and manifesting great impatience to advance, it was thought advisable to lead them on. They marched in profound silence, till the lines of both parties met, almost breast to breast. The governor forbade his men to fire until he ordered them. The first rank were almost mixed with those of the enemy, who were stationed a little before the main body, and who now began to retreat slowly, to join their army, bellowing defiance and daring their opponents to advance. The army kept on till within twenty-five yards of them and then halted. The regulators continued to call on the governor to order his men to fire: several of them advancing towards the artillery, opening their breasts and

defying them to begin. The army saw them going to the spot they had determined to occupy, and which was best calculated to secure them, and annoy it. The ground they abandoned, was the place they wished the governor to occupy, and the only one he could, without action, obtain. He was entirely open to their fire; and most of them were secure from his; and, as the greatest part of the artillery was in the road, they disposed their best troops to attack it.

An adjutant was now sent, to the enemy's camp, to receive John Ashe and John Walker, who brought for an answer, that they would be surrendered within half an hour. He was sent back to inform the regulators, that the governor would wait no longer, and that, if they did not directly lay down their arms, they should be fired on. Fire and be d——d, was the answer. The governor, ordering his men to fire, was not immediately obeyed; on which, rising on his stirrups and turning to his men, he called out "fire! fire on them or on me." The action now began, and, almost instantly, became general.

The insurgents, pursuing the Indian mode of fighting, did considerable injury to the king's troops; but, owing to the artillery, and firmness of the latter, were, after a conflict of one hour, struck with a panic and fled, leaving upwards of twenty dead, and a number of wounded. The fugitives were pursued, and several prisoners were made. The loss of the governor was only nine killed, and sixty-one wounded. The laurels which he gained on this day, were sullied by a vindictive and intemperate behaviour. Towards the evening, when every thing was quiet, and the regulators defeated and dispersed,

captain Few, one of the prisoners made in the pursuit, was, by his orders, without a trial, hung on a tree.

On the following day, the governor issued a proclamation giving notice, that every person, except those who were outlawed or prisoners in the camp, who, within five days, would come in, lay down his arms, take the oath of allegiance, promise to pay his taxes and submit to the laws of his country, would receive a free pardon. The proviso was afterwards enlarged, from time to time, to the 10th of July; but the following persons were excluded from the benefits of the proclamation: Samuel Jones, Joshua Geague, Samuel Wagoner, Simon Dunn, jr. Abraham Creson, Benjamin Meritt, James Wilkinson, sen., Edward Smith, John Bumpass, Joseph Boring, William Rankin, William Robeson, John Winkler, John Wilcox, Jacob Telfair and Thomas Person.

The army marched, on the 21st, to Sandy creek, where they encamped and halted for a week. Detachments were sent to assist in the collection of taxes, and to disperse the regulators, who were lurking about in parties. A reward of one thousand acres of land and one hundred pounds, in money, was offered, for the apprehension of Hermon Husband, James Butler, Rednap Howel, and other chiefs of the regulators, or either of them, dead or alive. Parties were sent to lay waste their plantations. The army next proceeded to the Jersey settlements, crossing Deep river and Flat Swamp; they stopped two days and marched to Bethabara, a Moravian town, by Reedy creek.

The army being joined by general Waddle, with a large body of men, returned on the 9th of June, by

Black Jack, Buffalo, Big Troublesome and Back creeks, to Hillsborough, which they reached on the 14th.

A special court of oyer and terminer, was held, for the trial of twelve of the prisoners, taken in the battle: they were indicted for high treason, convicted and received sentence of death. The execution of six of them was respited, till the king's pleasure was known. On the 19th, the others were executed. The whole army was drawn out under arms, except the quarter guard and sentinels. They formed and marched, in a hollow, oblong square; the artillery forming the front and rear faces: the first line, the right, and the second, the left face: the main guard marching in the centre, with the sheriff and prisoners; the light horse, covering the outside of the flanks to keep off the mob. This order of march had been sketched out, and given in general orders, by the governor, who stooped, in this manner, to point out the spot for the erection of the gallows, and to give orders for cleaning the field around, to make room for the army. An acute writer, in the newspapers of the day, observed, that the governor's minute and personal attention to these particulars, left a ridiculous idea of his character behind, bearing a strong resemblance to that of an undertaker at a funeral.

On the following day, the army left Hillsborough, and encamped at Stone creek. The next morning, the governor took leave of them, and proceeded to Newbern. The troops moved, by slow marches, to colonel Bryan's, in the county of Johnston, near the spot, where the town of Smithfield has since been established. The different detachments separated, and took the shortest roads to their respective counties.

On his arrival at Newbern, governor Tryon took shipping for the province of New-York, to take charge of the affairs of that government, to which he had been appointed.

*Records—Magazines—Gazettes.*

## CHAPTER IX.

ON the departure of governor Tryon, the administration of the affairs of the province devolved on James Hasel, the president of the council, who was qualified on the 1st of July. He did not hold long the reins of government; for on the 11th of the following month, Josiah Martin, who had been appointed governor of the province, arrived from New-York at Newbern.

This gentleman was a brother of Samuel Martin, who had been a member of the British parliament and secretary of the treasury, and who, having been reflected on, in one of the numbers of the North Briton, fought in a duel, and wounded the famous John Wilkes, the author of that paper, in the year 1768. The governor was a native of England, had hitherto followed the profession of arms, and risen to the rank of a major.

He met the legislature, for the first time, in the middle of the month of November, in the town of Newbern. After some prefatory encomiums on the late governor, he congratulated the houses on the restoration of the province to tranquility and order, and recommended the consideration of effectual resolutions against the return of the evils that had lately disturbed it. To attain this object, he said, it appear-

ed necessary to obviate all just grounds of the discontent of the people and to afford the fullest possible evidence of the just administration of the finances of the province; to correct, as far as human prudence could, all manner of abuses and give every facility to the administration of justice.

He recommended, as war was still raging on the continent of Europe, and kept Great Britain in a state of watchfulness, which rendered caution in the colonies necessary, that the militia of the province be put on a respectable footing, and that provisions might be made for the establishment of fort Johnston, and supplying the garrison with sufficient stores.

He concluded by observing, that, as the public faith stood pledged, he conceived it needless to say any thing on the provision necessary to be made for defraying the charges of the late and important services of the troops, and expressed his hope that the house of assembly would, at least, indemnify the leader under whose auspices they had acted for his personal expenses, generously undertaken for the good of the province, and that this being done, the king's subjects, lately misled, having returned to their duty, the veil of oblivion should be drawn over the late unhappy troubles, and all the distinctions and animosities, which they created, extinguished.

At the request of the governor the members of both houses took the oath of abjuration, as altered by an act of the sixth year of the king's reign, which had never been used in the province.

The answer of the house of assembly was complimentary. They observed, that prohibited as they were, by an act of parliament, from any further emis-



sion of paper money, the inconveniencies arising from a want of specie to serve as a medium of trade (common in all young countries) were changed into real distress, equally felt and lamented by individuals and the public, and expressed their earnest wish, that the only mode for paying the public debt, which the circumstances of the country would permit them to adopt, might prove just and satisfactory to the public creditors.

It appearing, from a state of public funds made by John Burgwin, that a sum more than equal to the amount of the bills emitted in 1748 and 1754, had been collected, and that there would be a balance in favor of the province after the payment of the arrears, for which security had been given; of upwards of four thousand pounds; a bill was brought in and passed both houses, for discontinuing the poll tax and duty on liquors, and for the redemption of the bills issued.

The governor having received, during the session, the king's instructions to appoint commissioners to continue the southern boundary of the province; run in the year 1768, as far as the Salisbury road, till it should reach the Cherokee line, applied to the lower house to be enabled to defray the expense of that service. But the house, in reply, desired, through him, to have it made known to the king, that if the running of the line should be carried into execution, it would occasion the greatest injury to the province, as it would deprive it of a great number of useful inhabitants, by law and custom engrafted into its constitution, counteract a number of established laws

and take from it a great part of valuable land, possessed under patents, issued by the governors of North Carolina; cut off all communication and commerce with the Indians, by leaving only a tract of land over impassable mountains between them, and deprived the province of several thousand pounds, laid out in running the western line, which would, by this means, be taken into South Carolina.

Both houses concurred in instructions to the committee of correspondence, to direct the agent of the province to solicit permission to import salt from Spain and Portugal; the speaker was desired to address the speaker of the house of burgesses of the province of Virginia and request that the agent of that province might be instructed to use his interest for the same purpose. The governor was also addressed for his aid.

The house of assembly appointed a committee to draw up an address to the king, the lords and commons of Great Britain, setting forth, that the house, ever ready to support the king's honor and dignity, had with spirit and liberality fallen upon a method to pay the great expense of the late expedition against the insurgents, in support of the king's government; but being restricted from emitting a paper currency to be a tender in payment of debts, the only method they could, in the distressed situation of the country, fall upon, was by stamping debenture bills, as a temporary expedient, chargeable upon the treasury of the province; but, as the expedient was attended with great inconvenience to the public, and the individuals who were to receive them, might sustain injury from their depreciation, and as those individ-

uals were those who had, at the risk of their lives, stood forth in support of the king's government and the constitution of the colony, they prayed that, in consideration of those people, as well as of the situation of the province, labouring under great distress for want of a currency, the act of parliament, against issuing a paper currency, might be repealed so far, at least, as respected North Carolina: and the committee were desired to set forth, in the address, that the house would frame the law, so as to prevent British creditors from suffering, in case such currency should depreciate in value.

The house of assembly addressed the governor for a general pardon to all persons, concerned in the late insurrection, except Hermon Husband, Rednap Howell and William Burke, whose crimes, they said, were too atrocious to merit any degree of leniency. He answered, that his wishes corresponded with the humane and generous disposition of the house, to conciliate the minds of the king's subjects and establish peace and good order throughout the province, on the firmest basis; he had anticipated their wishes; but, considering such a general pardon out of the limits of his power, he had offered such a measure to the royal consideration and would forward their request to Great Britain.

The bill, which had passed the house, for discontinuing the tax and duty, imposed for the redemption of the paper money, and another for striking twenty thousand pounds in debenture bills, on bank paper, to be exchanged for all such debenture and tender bills, as were in circulation in the province, were rejected.

An act was passed to indemnify such persons, as had acted in defence of government and the preservation of public peace, during the late insurrection, from vexatious suits, and another for appointing Henry Eustace M'Cullough, esq. agent for the province.

A town was established on the south side of Tar river, in the county of Pitt, which, in compliment to the new governor, was called Martinborough. The name of it was altered, in a few years after, to that of Greenville, out of respect to General Nathaniel Greene.

The settlements in the back part of the province rapidly increasing, a road was directed to be laid out, from the western frontier, through the counties of Mecklenburg, Rowan, Anson and Cumberland, to the town of Campbellton, on the northern bank of Cape Fear river.

On the 23d of December, the governor dissolved the assembly: no reasons were assigned for the measure; but it was believed to have been occasioned by the resolve of the house of assembly, declaring that the collection of the poll tax and the duty on liquors, for the redemption of the currency, ought to be discontinued.

To prevent the effect of it, a few days after the legislature had adjourned, the governor issued his proclamation, stating, that the suggestion that the act, imposing the tax and duty, had its intended effect, by raising, from the people, the whole sum emitted upon the credit of those funds, and, consequently, that the tax and duty ought not to be collected, was a fallacy and a very gross misrepresentation.

tation of the fact; the money collected having been diverted to other services and a great part of it remaining in the hands of the sheriffs and collectors, who had not yet accounted for it to the treasurers: therefore, it appeared that there still remained extant and in circulation, a considerable quantity of the bills of credit, for the sinking of which, the produce of the tax and duty was the only remaining appropriated fund, and the public faith stood engaged to continue them, till other funds were provided for the extinction of the paper, or till, by their means, it was collected and destroyed: he therefore warned the sheriffs and collectors to carry the acts of 1749 and 1754 into effect, until they were legally repealed.

In the course of the winter, a female adventurer passed through the province and attracted great notice. She had assumed the name of Lady Susanna Carolina Matilda, sister to the queen of Great Britain, and had travelled through the province of Virginia, from one gentleman's house to another, under those pretensions. She made astonishing impressions in many places, affecting the manners of royalty so inimitably, that many had the honor of kissing her hand.

To some she promised governments, to others regiments, or promotions of different kinds in the treasury, army and navy: in short, she acted her part so adroitly as to levy heavy contributions upon some persons of the highest rank. She received the marked attention of governor Martin and his lady, whilst in Newbern; and proceeded thence to Wilmington, where she was also received with great marks of distinction. At last, after remaining some days in Charleston, she was detected and apprehended. Her real name was Sarah Wilson; having

been taken into the service of one of the maids of honor to the queen, she found access into one of the royal apartments, and breaking open a cabinet, rifled it of many valuable jewels, for which she was apprehended, tried and condemned to die; but through the interposition of her mistress, her sentence was softened into transportation. She had, accordingly, been landed, in the preceding fall, in Maryland, where she was purchased by a Mr. W. Duval, of Bush creek, Frederick county. After a short residence there, she effected her escape into Virginia, and when at a prudent distance, assumed the name and character of the queen's sister, having brought with her, from England, clothes that served to favor the deception, and a part of the jewels, together with her majesty's picture, which had proved so fatal to her.

In the course of the summer, the governor visited most parts of the province, particularly, those in which the late disturbances and commotions had prevailed. In the month of August, the six regulator chiefs, on whom sentence of death had been passed, and whose execution had been respited by governor Tryon, received the king's absolute pardon. On the 24th, governor Martin granted a charter to the inhabitants of the town of Tarborough, in the county of Edgcombe, allowing them, among other privileges, that of electing a member to sit and vote in the house of assembly.

The meeting of the legislative body was postponed till the 25th of January. The governor apprised the houses, he had the king's command to propose the passage of an act of general pardon and oblivion, in favor of the persons, concerned in the late troubles, the effect of which was, however, to be

suspended till the king's pleasure was known, and expressed his hope, that, after extending mercy to the offenders against the public peace, it might be thought becoming the superintending care of the legislature to promote its future security, by permanent laws. He drew the attention of the house, to the necessity of framing a court system, on certain, settled and permanent principles, the acts for the establishment of the superior and inferior courts, which had been made temporary, expiring at the end of the session.

A select committee was appointed to frame a court law; they were instructed to make provision for the establishment of superior and inferior courts, in one bill; to vest the appointment of the clerks of the superior court, which heretofore belonged to the clerk of the crown, in the chief justice; to restrain the clerks of the pleas from selling the offices of clerks of inferior courts; to vest the power of granting letters of administration and testamentary, in the inferior, to the exclusion of the superior courts; to extend the jurisdiction of a justice, out of court, to causes to the value of five pounds.

A bill, framed according to those instructions, having passed the house of assembly, the council, on its third reading, proposed, that the district of Hillsborough should be abolished, and a new one erected at Campbellton, to be composed of the counties of Anson, Cumberland, Chatham, Guilford and Wake, and that the counties of Orange and Granville be added to the district of Halifax; that, in all cases of attachment, where the defendant resided in Europe, proceedings should be staid, before plea, one year; that the inferior court of pleas should be held by justices of the quorum; that

the clerk of the pleas should be permitted to reserve to himself a reasonable proportion of the profits and emoluments of the clerks of inferior courts. The house of assembly refused to concur with any of the amendments, except the second; the council passed the bill: it contained a clause, suspending its effect, till the king's pleasure was known, and, in this shape, received the governor's assent.

Some immediate provision, however, being indispensable, separate bills were introduced, to renew and continue, for a limited time, the acts under which the superior and inferior courts had hitherto been holden. On the third reading of the superior court bill, in the house of assembly, a clause was struck out, which had been introduced as an amendment, in the council. The object of it was to exempt the estates of such persons, as had never resided in the province, from the process of attachment, otherwise than according to the laws and statutes of England. On the return of the bill, the council insisted on their amendment, observing, that it was so penned, as to give to the people of the province every benefit, enjoyed by the people of England, in respect to attachments, and what that benefit was, or how far restrained, was left at large for the construction of courts of law.

The house answered, that they had struck out the clause, inserted by the council, after the most mature deliberation; they were of opinion, that it would be highly inconsistent with the commercial policy of the province, to relinquish the benefit of the attachment of the effects of those, who did not reside in the province, as from the absense of their persons, the creditors had no



security, but what was derived from their property in the province, upon the faith of which, those debtors had, in many instances, obtained credit. They added, the privilege they claimed, was exercised by many, if not by all the American provinces, varied agreeably to the circumstances of each particular place, and regulated by colonial laws, and, in some instances, by the municipal customs, in certain liberties and franchises of Great Britain: and as they could observe nothing in their particular constitution that could vindicate a construction, so injurious to the country, they could not, in justice to themselves and their constituents, assent to it. They took notice, that the clause, proposed by the council, was not confined to the inhabitants of Great Britain; but extended its influence to persons, resident in other colonies, whose effects were thereby, guarded from attachment for any debt they owed to the inhabitants of the province, whose property was liable to become the subject of attachment, at their suits, for any debt they might owe to them.

The same amendment was made to that part of the inferior court bill, which related to judicial attachments; the house resisted the introduction of it, on the ground of its inutility; for, as the bill stood, the sheriff could not return that the defendant could not be found, unless he had been at his house or place of abode. The clause appearing inoperative, the house thought themselves bound to reject it, as its introduction would be considered, as presumptive evidence of an inclination, on their part, to relinquish the right of attaching the estates of persons, who had never resided in the province; a right which, under proper regulations, would appear equitable and essential to the well being of the colony.

They avowed it, as the sense of the house, that, by the laws and customs of Great Britain, no provision was made for attachments: that as far as they were known there, they existed by municipal customs, were confined to liberties and franchises, governed by the particular circumstances of place and people, and so essentially local in their application, as not to admit of being extended by any analogy to the province; and as they would have to be referred, in case the amendment of the council took place, to the laws and statutes of Great Britain, for a remedy by attachment, the application must, from what had been observed, be altogether nugatory and fruitless.

They expressed their belief, that the judges of the courts of law, zealous for the welfare of the province, would give a liberal construction to the clause proposed; but, by the laws in force, their decisions would be confined and fettered. With this restriction, the house thought, no legal, just interpretation could be formed, but what must operate as a denial of the benefits sought from the attachment laws, and they thought that, to secure so important a privilege, the mode of exercising it should be grounded on certainty, the law positive and express, and nothing left for the exercise of doubt and discretion.

They mentioned, as a circumstance that could not have escaped the notice of the council, that the law was to continue in force for six months, and from thence to the end of the next session of assembly; and in the manner in which the house had passed the bill, it was incumbent on the creditor to give his foreign debtor notice for a twelvemonth, before he could bind his effects by attachment: so that it was left altogether in

the power of government, to prevent this law having any effect whatsoever, with regard to foreign debtors, by putting an end to its operation, before twelve months (which must necessarily be the case) or a longer time expire.

The house bore the fullest testimony to the necessity of courts of law; and the many disadvantages which must arise from a failure of a due distribution of justice, on the criminal side, they observed, were too obvious to be mentioned; they hoped, the council would equally feel for the honor and interest of the province, and conscious of the benefit that had been derived by the people, from the right they had hitherto enjoyed, of attaching the effects of foreigners, they would not part with a provision, grounded on the principles of mutual and reciprocal justice, the privation of which must necessarily destroy that confidence and credit to foreigners and the neighboring colonies, upon which the trade and prosperity of the province depended.

The council rejected the superior court bill; the inferior court bill passed, but the governor withheld his assent from it.

A claim being presented to the house of assembly, for services stated to have been rendered the province, in running the late dividing line between the province and South Carolina, the house resolved, that, as the last assembly had so fully expressed the sense they had of the injury that would accrue to the colony, should the line they proposed to be run be carried into execution, and as the house were actuated with the same sentiments, they could not, by any means, consider any person employed in that service, as the servant of the province, consequently could not think him entitled to any

allowance from the province, for any aid in the execution of a measure, so detrimental to its interest.

The house directed the committee of correspondence, to instruct the agent of the province to push the application concerning the liberty of importing salt from Lisbon into the southern provinces, with the aid of other agents; to endeavour to obtain some beneficial alterations in the present laws relative to naval stores, such as a liberty of proceeding to other ports of Europe, after touching at any port of England, and offer made to the navy, and also the liberty of conveying naval stores to any of the islands in the West Indies, in time of peace; both regulations to be subject to the control of the treasury, on apprehensions of war, &c.; to procure a continuance of the bounty on timber and staves, and to regulate it so as to suit American timber, the present dimensions being taken from the timber in Germany; to represent the particular distress and situation of the affairs of the province, especially as to the want of a currency, or other medium by which debts could be paid or executions satisfied; and that it was on these grounds the present valuation law had been passed; that being entirely confined to the inhabitants of the province, and in no way affecting British property, it was to be considered as an internal regulation; and to use his best endeavours to prevent the repeal of it; to recommend to his best care, the act, with the suspending clause, for the establishment of courts; to furnish him with the reasons on which it was passed, and to direct him, immediately and unremittingly to apply for the king's allowance of that act; the province having the melancholy prospect, till his pleasure was known, of continuing

without court laws, exposed to every dreadful circumstance that may attend the want of them.

To enter at large into the proceedings on the bill for continuing the superior court act for six months, and the great and important reasons that induced the house not to comply with the propositions made them concerning original attachments ; that the house conceived they had fully guarded the property of new residents, by the clause proposed in the law sent home, and that so important did this matter appear to the province, that they could not think, by any means, of giving it up, and they submitted themselves and the unhappiness of their present situation, to the king's paternal goodness, not doubting but they would meet relief ; choosing rather the misfortune of a temporary deprivation of laws, than to form a system whereby they might be left without any remedy on that point.

To explain to him the reasons, on which the expenses of running the southern boundary line, were not paid ; that, in case another line should be ordered to be run, after weighing the complaint of the house, they would cheerfully answer the whole expense.

That as lord Granville's office had been shut for several years past, to the great inconvenience and grievance of the inhabitants of his territory, the agent might be directed to use his utmost endeavors, at the several boards, to induce the king to purchase the title of lord Granville, and that the lands in that part of the province, might be holden of the king, as in the others.

The house came to a resolution, *nem. con.* that the right of attachment of the effects of foreigners had been long exercised by the inhabitants of the province, in common with the other provinces in America, and se-

veral trading cities, liberties and franchises in Great Britain ; that it had been found greatly beneficial to its trade and commerce, and the security of the property of individuals, and that the house could not, by any public act of theirs, relinquish this right, without at the same time abandoning the interest of their constituents and the peace and happiness of the province.

They directed their clerk to cause this resolve to be published, with all the messages that had passed between the two houses, in all the gazettes of the province, and of Virginia and South Carolina.

An act was passed, for the encouragement of the manufacture of pot and pearl ashes, by a bounty of eight shillings on every hundred weight of the former, and fifteen of the latter ; and a town was established on the south side of the north-west branch of Cape Fear river, in the county of Bladen, which was called Elizabethtown.

On the sixth of March, the governor prorogued the legislature for two days ; at the expiration of that short period, it appeared, that so many of the members of the house of assembly had returned home, that there did not remain a majority to constitute a house ; those who remained, refusing to proceed to business, till a majority could be procured ; the governor, being informed of this, sent a message to the speaker, informing him, that, according to the king's instructions, fifteen members were a quorum, and desired that the speaker might form a house with that number ; the speaker replied, that the members in town were of opinion, that it would be inconsistent with their duty to their constituents, to legislate, unless a majority of the members of the house were in their seats. The governor issued his proclamation, dissolving the assembly.

The commissioners, according to promise to its respective representatives arrived at Wilmington, Delaware, they went up to the vicinity of Chesapeake, and remained for some time by those of their number who had adhered to the president, and the other commissioners of a contrary belief.

The various means of justice being now dead, the government were commissioners of open and secret, by the deposition, which is criminal cases in civil law, are ready to be decided.

In the month of June, the governor received, and read, the commission by proclamation, the king's respective, reserving the government of the American provinces and plantations, from granting any warrant whereby, to grant any patent for land, without his special license, except in favor of the officers, non-commissioned officers and soldiers entitled thereto, under the king's proclamation of the 7th of October, 1763, allowing persons, whose titles were not perfected, to withdraw their entries, receiving back the money paid, or wait and retain their right of priority.

In the fall, accounts reached the province, that the court had received the king's disallowance; and the governor was informed, that provision might be allowed by law, for attachments in cases, where the cause of action arose within the province: due proof being made, before the writs issued, in judicial as well as in original attachments, that the debtor had absconded, to avoid the payment of the debt, and that the ordinary process of law could not be served. The limitation of the jurisdiction of the superior, and the extension of that of the inferior courts, were deemed totally inadmissible. He was disposed to allow the jurisdiction of the inferior

courts, to the amount of twenty pounds, with an appeal, in cases of the value of five pounds or more, where the titles of land and the rights of the crown, were not drawn into question.

The legislative body was convened, and met at Newbern; on the 4th of December. After informing it of the fate of the court bill, the governor apprized them of the principles on which they might expect his assent to a new bill. He pressed upon them, the expediency of making it permanent, and allowing honorable salaries to the judges. He said he was authorized to state, that the rules which were insisted on, in regard to attachments, were those by which this kind of process was regulated, in the commercial cities of England, and other parts of Europe. He recommended, that proper compensation might be provided for the services of the officers of justice, in attending the courts of oyer and terminer, which the absence of a court law had imperiously called for; and reminded them, that it still remained with them, to render effectual the king's gracious intentions, towards the people, concerned in the late insurrection.

The house of assembly, in their answer, bewailed, as a circumstance, which added pungency to the distresses of the people, that there was so little expectation of relief from the interposition of government.

They added, that, loyal in their principles and practice, and zealously attached to the constitutional powers over them, they had been ready, on all occasions, to testify their obedience to every salutary measure, which the king, through his governor, had been pleased to recommend to them; and ruled by the same sovereign, and equally entitled to the blessings of the British constitution, with the rest of their fellow subjects, they claimed



a security for their properties, essential to their commercial interest, and uniformly enjoyed by the rest of the inhabitants of the other British provinces on the continent.

They observed, the idea of foreign attachments was inseparable from a trading people, and under the former happy constitution of the courts of the province, it gave credit to its inhabitants and secured to them the confidence of their neighbors, and the alteration, which was proposed, could not be considered as an adequate remedy for the mischiefs, which it was the purpose of their process to obviate, and such as they could not, in duty to themselves and their constituents, adopt.

They said, these sentiments were freely expressed, from an eminent desire to expedite the business of the session, and to prevent the delays which might arise from reserve.

They asserted, that the power of issuing commissions of oyer and terminer and general jail delivery, delegated by the king to his governor, could not be exercised without the aid of the legislature of the province. Calamitous as the circumstances of a people might be, from the interruption both of criminal and civil jurisdiction, the house judged the misery of such a situation vanished in comparison with a mode of redress, exercised by courts unconstitutionally formed, and it was a blessed particularity of the British code, that civil and criminal jurisdiction had its foundation in the laws of the land, and was regulated by principles as fixed as those of the constitution.

They concluded by declaring their unwillingness to make provision for defraying the expenses, attending a measure which they could not approve.

The speaker laid before the house a letter from the speaker of the house of burgesses of the province of Virginia, enclosing a copy of the resolutions of that house, on the 12th of March last, with a request that a committee might be appointed to communicate from time to time with a committee by them, then appointed; also letters from the speakers of the lower houses, in several provinces, expressing their approbation of, and concurrence with, the resolves. Whereupon the house came to a resolution, that the vigilance, displayed by the house of burgesses of the province of Virginia, in attending to every encroachment upon the rights and liberties of America, and the wisdom and vigor with which they had always opposed such encroachments were worthy the imitation and merited the gratitude of all their sister colonies, and in no instance more particularly, than in the proposed measure of appointing committees of correspondence, by which communication and harmony will be established among them, that they will be at all times ready to exert their earnest efforts and strenuous endeavors to preserve and defend their rights, of late systematically invaded.

John Harvey, the speaker, Robert Howe, Cornelius Harnett, William Hooper, Richard Caswell, Edward Vail, John Ashe, Joseph Hewes, and Samuel Johnston, were appointed a standing committee of correspondence and enquiry. They were instructed to obtain the earliest and most authentic intelligence of all such acts and resolutions of the parliament, or proceedings of administration, as might relate to the colonists and to maintain a communication with the other provinces: They were further instructed, without delay, to inform themselves particularly of the principles and authority, on which

was constituted the court of enquiry, said to have been of late held in the province of Rhode Island, with power to transport persons, accused of offences committed in America, to places beyond the seas to be tried.

The speaker was desired to transmit a copy of these resolutions, with a respectful answer, to the speaker of the house of burgesses of the province of Virginia, and a circular letter of thanks to the speakers of the several houses of assembly, who had so spiritedly adopted the patriotic resolutions and measures of the house of burgesses of the province of Virginia, for their obliging communications to the house.

The house took in consideration the acts of 1748 and 1754, imposing a poll a tax and duty for the redemption of the paper currency then emitted, came to a resolution, that the laws had had their effect, and the tax and duty ought to cease; they directed a bill to be brought for this purpose.

The house refused to admit Henry Irwin, who was elected as a member from the town of Tarborough, to which a charter, authorizing the election of a member, had lately been granted by the governor. The refusal was grounded on the principle, that the town did not contain sixty families, as required by the act of 1715, and had never before been represented.

The governor, in answer to the address of the house, said it was impossible for him to express the concern he felt, in receiving from one of the branches of the legislature of the province, professing to be dutiful and loyal subjects, an address, which he wished not to think, indecently arraigning the justice of his sovereign and his government; especially while, with the most friendly

beneficence, all the blessings of the British constitution were held out to them, their wishes indulged, in regard to the mode of proceeding against debtors, which they lament to have so much at heart, as far as could be done, without violence to their sacred and venerable fabric.

He observed, that the inconsistency of the proceedings by attachment, which formerly obtained in the province, their tendency to destroy commercial credit and confidence, and their obvious repugnancy to the particular statutes which were framed for their preservation, upon the most liberal principles of equity and universal justice, might be presumed to be the grounds of the restrictions, proposed by government; restrictions which he could take upon himself to affirm, were never designed, ungenerously to distinguish the province from its neighbors, but founded on the essential policy of assimilating the constitution of the colonies, to that of the mother country, and supported by the well known and generally received maxim, that the conveniency of particular members should yield to the general interest of the state.

He said he had seen, with real concern, intemperate resolves on the journal of the house, one of which, he seemed to think, had an apparent tendency to sap the foundation of the constitution, by cancelling that assurance of protection, the first great bond of the subject's allegiance. He added, that, if the doctrine they had first broached, that the aid of the legislature of the province was necessary to any legal administration of justice, could be received, it would follow of consequence, that a branch of it, declining to adopt any system, could unhinge the state, and dissolve all those solemn ties,

which, according to the British constitution, or form of government, happily and wisely gifted, reciprocally bound the sovereign and the subject in each other's mutual interest.

He observed, he was perfectly satisfied of the legality of the measures he had pursued for the public good, which had been, immemorially, recommended and never before authorized. He rejoiced in their salutary effects, and was willing to submit their expediency to their candor, when they should reflect, that, at the forced and precipitate conclusion of the last session, the province was left, by the legislature, destitute of any establishment for the distribution of justice: naked, defenceless and exposed to every injury; happily for the province, then consigned to rapine and disorder, there resided in the prerogative, a power to shield the subject from the hand of violence. Its protection had been sought and implored, and many parts of the province bore testimony to its wholesome influence.

The power, which had saved the province from the last state of confusion, with which it was threatened, and which the house had condemned, he said it would be his duty to exercise, as well as every other constitutional authority, entrusted to him by the king, whenever the security or welfare of his subjects would require. He lamented his disappointment, in the hope he had entertained, that the house would have thought it an indispensable duty, to have made a reasonable compensation to the judges and other ministers of justice, to whom the public are so much indebted; he doubted not, that since the house had determined otherwise, the gentlemen would find the noblest reward, in the consciousness of having greatly served their country. He concluded, by

beseeching the house calmly to consider the unhappy state of the province, how much its prosperity depended on the present measure, and how much it was incumbent on them to promote it.

The house prepared a court bill; but the council introduced into it such amendments, as were recommended in Great Britain. The house of assembly refused to concur with those alterations, and addressed a message to the council, in which they promised that, ever attentive to the faithful discharge of the important trust reposed in them by the inhabitants of province, the house, in the conduct of every public measure which, during the session had been submitted to their deliberation, had in view the interest and happiness of their constituents, as the grand object that ought to govern their determinations; appointed by the people to watch over their rights and privileges, and to guard them from every encroachment of a public or private nature, it became their duty, and would be their constant endeavor, to preserve them secure and inviolable to the present age, and to transmit them, unimpaired, to posterity. They stated, that they had given the court bill the attention it required, without suffering private interest, passion or prejudice to intrude upon their enquiries; conscious, from their late melancholy experience, of the unhappy consequences, attending the extinguishment of the civil and criminal jurisdiction of the province; dreading the continuance of the calamity, they still submitted to suffer only to avoid a greater misfortune; looking back upon past grievances, without reproaching themselves with being the cause of them, and trusted, that an impartial world would do them the justice to own, they contended for nothing more, than what they had lately enjoyed in

common with the rest of the king's subjects in North America.

The right of foreign attachment, they said, was exercised by their sister colonies, with every latitude requisite to promote their commercial interest, and to secure the property of the inhabitants; it was a right essential to every system of police and a security, inseparable from traffic. In a province, situated like North Carolina, where trade was the vital principle of the constitution, every circumstance, which placed the people on a more unfavorable footing than their neighbors, was to enrich the latter at the expense of the former, and build the increase of the trade of the one on the ruin of that of the other, and the house needed but to look to the colonies, adjoining them, to discover the invidious distinction, and to find cause to regret, that, with equal merit, they had been less the favorites of government.

They expressed themselves fully sensible in the application to the king, that the act, passed at the last session, for establishing courts of justice, reserving to the province, in its due extent, the right of attachment, had failed to obtain the king's concurrence; they lamented the ill success of their endeavors, but still flattered themselves, that their sovereign was not inexorable and that he would still lend an ear to the just complaints of his faithful subjects. To despair from obtaining relief from the grievances they were now laboring under, would be to impeach the justice of the British government, and to distrust the virtues of their king and father: and to sit patiently down, in an humble acquiescence, under the denial of a security by attachment, would be to render themselves unworthy of his royal interposition, and an implied resignation of the rights of subjects, and a violation of the duty they owed him, as the royal protector of them.

They manifested their intention of addressing the king on this interesting occasion, and hoped, that the council, equally jealous of the happiness of the province, would heartily concur with them, in a measure that promised the greatest probability of being accomplished, although their opinion might differ from that entertained by the house, and should be happy to find, that no passion, no private motive, influenced the consultations of the council; but that, with candor and moderation, they pursued the same object, though by different means.

They expressed their confidence, that, in amending the bill, the council had paid a strict attention to the plan proposed by the king to the governor; but the house, the most important branch of the legislature, could not conceive that the attachment clause, as proposed to them, gave a remedy equal to the evils it was intended to obviate; the limits, within which an attachment, so restrained, could only operate, were too confined to render that process beneficial; the oath prescribed, as a necessary previous requisite, rendered it unattainable by every one who was not a stranger to the pleasing influence of truth and honor, and subject to perjury; to swear that a man absconds to avoid the payment of debt, was to pry into the secret movements of the human heart, and to assume a province, not short of inspiration. The house could not regard the approbation of the council, obligatory upon their assembly, and whatever might ensue from the difference of opinion, it would not be difficult to decide, whether the calamity ought to be charged on the house, contending for a right, which the inhabitants of the province had for a long time beneficially exercised, or to those who urged an innovation on the constitution, which was to deprive the people of what they had so long enjoyed unimpeached.



The house heartily acknowledged for themselves and their constituents, the necessity of court laws, and without anticipating the horrors of a desertion of the inhabitants from the province, and the extinction of its name and political existence, they experienced in its present unhappy state, sufficient to induce them to wish for a change, upon legal and constitutional principles.

They observed, that the rules of right and wrong, the limits of the prerogative of the crown and the rights of the people, being well known and ascertained, to exceed either of them was highly unjustifiable : and were the attachment law, as hitherto enjoyed, as a small advantage, compared with that of having court laws, as the council contended it was, the right of the people to it was equal to the right to a more important object ; in the smallest, it was bartering the right of the people for a present convenience ; in a greater, it would be the same crime, aggravated only by its circumstances.

They took notice with surprise, that a doctrine, maintained by a former house of assembly, was now adopted by the council, who disclosed as their opinion, that attachments were not known to the common or statute laws of England ; they then asked, what did government tender to the people, when it proposed to the last assembly a mode of attachments agreeable to the laws of England.

They added, they would assert, on all occasions, the necessity of attachments, in the manner the people had lately enjoyed them, in point of expediency as well as of right, and viewed in the scale of relation to the private dealings between subject and subject, it had every advantage that could be reasonably sought, as the trade of the province and its neighbors was principally confined

to the mutual and private intercourse mentioned by the council.

With regard to the allowance to the chief justice and attorney general, inserted by the council in the bill, the house answered, it was the undoubted privilege of the people, exercised by their representatives, to make a disposition of their own moneys; the interposition of the council, with respect to such a disposition, could only be considered as an infringement upon the rights of the people, and an open violation of a fundamental principle of the constitution. Sensible of the importance of the judicial character, and desirous to provide for those whom government might think proper to invest with it, in a manner worthy of the acceptance of men of integrity and eminence, the house said, they conceived the bill for regulating the fees of the chief justice, to be a provision not adapted to the circumstances of the province or to the dignity of the office, and they admitted, that a dependence on the precarious increase or decrease of suits, and the uncertainty which attended the collection of fees on them, created an inconvenience which they felt desirous of obviating: and when the king would be pleased to appoint judges, during good behaviour, they would show the most sincere gratitude for this advantage, both in their profession and practice, by giving a perpetual salary to such officers, as would do honor to the appointment; in the mean time, they could only think of making such provision for the chief justice, judges and attorney general, as should appear suitable to the circumstances of the province.

They concluded by observing, that the sentiments which ruled the conduct of the house, were submitted as circumstances, which, if they could not induce the

council to alter their determination, would, to that body and the world, afford the fullest conviction, that the house were sincere and determined in the measures they had adopted, and from which, in their judgment, they could not depart, without a breach of faith to the public and debasing their legislative character.

Soon after the meeting of the house, on the next day, the secretary brought a message, to require their immediate attendance at the palace.

Before they moved, they came to an unanimous resolution, that, having considered the king's instructions to the governor, in regard to the process of attachments, and sensible of the deplorable situation to which the country must be reduced, should the proposed restrictions be continued, they had felt it a duty, which they owed to themselves and posterity, to use every expedient to prevent it, and, therefore, a committee was appointed to prepare a dutiful address to the king, humbly soliciting him to withdraw an instruction, which, however equitable it might appear to his royal mind, ever attentive to the interests of his people, was so ill adopted to the circumstances of the province and to its commercial interest, as to render its operation extremely injurious to both; and to allow his governor to pass a law, which, though suited to the policy of the province, might be so framed, as not to be in any manner injurious to the interest of Great Britain, which his faithful subjects of North Carolina thought it their highest duty to promote.

The committee were instructed, in order to convey the address, in the most respectful manner, to the sovereign, and as the most effectual means of promoting its success, to address William Tryon, the governor of the

province of New-York, who, happily for the country, had for many years presided over it, and of whose wishes for its welfare they felt the fullest conviction, transmit him the address to the king, and request that he would forward it, support the earnest solicitations of the house with his interest and influence, and accept the important trust, as a testimony of the great affection the province bore to, and the great confidence they reposed in him.

When the house arrived at the palace, the governor told them, he had seen with infinite concern, so much time consumed by them and so great an expense incurred by the public, that he thought their longer attendance of no purpose, while they refused to adopt any plan for the due administration of justice, to which he had it in his power to assent; he observed, he had made them fully acquainted with the restrictions the king had laid upon his conduct, which he was sure had been calculated by government, on the most mature consideration, for the welfare of the people.

He desired the members to appeal to and consult their constituents, to state to them with candor the point for which they contended, and apprising them that the king had been graciously disposed to indulge their wishes, as far as was consistent with the principles of the constitution and the interest of all his subjects; then to ask them, whether they wished to relinquish all the blessings, all the advantages and all the security for their lives and property, which resulted from the regular execution of the laws of the province, for the contention for a mode of proceeding against debtors, applicable only to a particular case, which was in itself unconstitutional, and which, if it could be obtained, would not avail one person in a

thousand among them ; he expressed his belief, that, if these facts were fairly represented to the people, they knew too well their own interest, to make such a sacrifice, or to approve the conduct of the house.

To give the members such an opportunity, he prorogued the assembly, to the first day of March.

On meeting the houses, after this short recess, the governor told the assembly, he presumed they had returned fully informed of the sense of their constituents, in regard to the difficulties which had arisen concerning the court laws, and which had unhappily rendered the two last sessions abortive ; and he should rejoice to find, that it inclined the representatives of the people to accept the modifications, in regard to the process by attachment, which he had proposed at the last session : but if, contrary to his wishes, they were still deemed inexpedient, he had that confidence in regard to the house of assembly, which induced him to hope, they would no longer make the obtaining of a point, which they knew it was out of his power to yield, the indispensable condition of passing laws for the general administration of justice, in comparison of which, the matter contended for, allowing it all the utility and importance that its warmest advocates ascribed to it, was of very little consequence.

He added, that the law of attachment in every colony, as far as he had been able to inform himself, made no part of the several plans for the administration of justice ; but was in all a separate and distinct provision ; and from its having been for a small number of years woven into temporary court laws in the province, it did not appear to him necessary or expedient, that it should still remain incorporated in the fundamental constitution, and

he flattered himself, the house would with him, think it incompatible with every idea of good policy to renounce every security of the public peace, credit and happiness, every protection of the lives and property of a whole people, for a circumstance so clearly, so confessedly unessential. He added, he was not authorized to propose any thing new on the subject, and drawing the attention of the houses to the late barbarous murder of a store keeper on Cross creek, in the county of Cumberland, which appeared to be a prelude only to scenes more flagitious and tragical, if the hand of justice continued longer disarmed, urged them to lose no time in rescuing their country from distress by the re-establishment of its courts.

The house replied, they had come to the last session fully possessed of the sentiments of their constituents; they had however appealed to them again, consulted them and stated, candidly, the point for which they contended, and informed them how far the king was disposed to indulge their wishes, disdaining any equivocation or reserve that might leave them ignorant of the conduct they had pursued or the real motives which had influenced it; and they had the heartfelt satisfaction to inform him, that their constituents had expressed their warmest approbation of the late proceedings of the house and had given them the most positive instructions to persist in those endeavors to obtain the process of foreign attachment, upon the most liberal and ample footing.

Under these circumstances, they added, were they to adopt the modifications, proposed to them, they should violate the sacred trust the people had reposed in them, and disregard the line of duty, marked out for their conduct; the people were too sensible of the importance of

preserving that security in trade, which they had hitherto enjoyed, and knew too well their own interest to make a sacrifice of it, or to condemn the conduct of those who had exerted their utmost endeavors to retain it unimpaired.

They admitted, that in many of the colonies, the laws which governed the proceedings by foreign attachment, were detached from those which formed the general plan for the distribution of justice; but took notice that they were not, therefore, less secured to the inhabitants, they had equally the sanction of government, and were as permanent in their duration, as the court laws on which they necessarily depended; and when these colonies had made provisions for these purposes, by two distinct laws, they possessed the fullest assurance, that government would not deny its assent to either.

They assured the governor they would use their best endeavors to lessen the calamities the province suffered from the licentiousness of manner which was the consequence of the occlusion of the courts; thinking, that although the best of human institutions had been found unequal to a perfect prevention of crimes against the peace and security of mankind, the most barbarous murders having been sometimes perpetrated under the best regulated police, it was their duty, and they should not fail, to propose the best plan for the administration of justice, in criminal cases, that the circumstances of the delay would admit; which would have been effected at the last session, had it not been for the unexpected and precipitate manner in which he had been pleased to put an end to it.

The governor observed, that if by telling him, perhaps with great exultation, that the people had approved of the conduct of the house, and instructed their representatives to persist in their endeavors, the idea was intended to be conveyed, that the distressed state of the province was to be continued; because he had it not in his power to comply exactly with all their wishes in regard to a mode of proceeding, in some very material points peculiar to the province, which was holden by many to have been unguarded, too open and applicable to fraudulent and oppressive purposes; he could no more enter into the policy of such a plan of conduct, which, in his opinion, was without precedent, than he could help dreading the people would soon feel they made infinitely too dear a sacrifice.

As he has reason to believe opinions prevailed, but too generally, that government designed by the resolutions proposed concerning attachments, to put the inhabitants of the province upon a footing of disadvantage with respect to the rest of the king's subjects; he said it became his duty to prevent, as far as possible, the ill tendency of so unjust, derogatory, and ungenerous apprehensions. He therefore pledged most solemnly his honor, that there was nothing more foreign to the royal intention than so injurious a distinction of the province, and that the same benefit of the process of attachment, and every other provision would be allowed in the province, that was held by the people of Great Britain, if the colony did not render itself less deserving of the royal favor. He assured the house, that if he could entertain a belief, that the colony was by any measure to be deprived of a privilege, or advantage, common to the rest of the king's subjects, it would be as hurtful and humiliating to him



as to them, and he should consider it his duty to labor against it with all becoming zeal; a subject like them, he prized as highly the rights of that condition, and should as impatiently feel any violation of them, against which he owed them his thanks to providence, that there was a sure defence in their governor's justice and sacred regard for the British constitution.

He left it to their calm reflection to decide, how far he was chargeable with precipitation in the conclusion of the last session; he had waited with patience and longing desire to see measures taken for the deliverance of the country from the evils that impended it, and when he found, that the house insisted on provisions which his duty forbade him to admit, in the court bills, he had prorouged the general assembly, with the hope that, at a future period, in another temper, and after mature consideration, the house would propose a measure more conducive to the happiness of their country. It was with this expectation now that he met them, and he prayed, that he might not be disappointed.

He concluded, that, as a point of duty, he had always made the fairest and fullest representations to the king's servants of the transactions of the province, and he had fulfilled, unsolicited, every expectation that could be reasonably formed, from his heartfelt expression of regard to the welfare of the province, by collecting with much pains and industry, every light and information within his reach, from the laws of attachment in the other provinces, that could serve to illustrate the point insisted upon, and by communicating them to the secretary of state.

A bill having passed the house of assembly, for the establishment of superior courts, the council,

on the third reading of it, proposed that the part of it which related to attachments, and the clause repealing the fee bill of 1748, be made the subjects of a separate bill; that the former, should be drawn in such a mode as would please the house; but both should be suspended in their operations till the king's pleasure be known; and that the superior court law be limited in its duration to the period of one year: the house refused to concur, by a majority of thirty-three, with regard to attachment, and thirteen as to the fee bill. This is the first time that the yeas and nays of the members were recorded in the journal of the house.

In a message to the council, they complained, that nothing more favorable to the inhabitants of the province was offered, than what they had rejected at the last session: they said, they could not think of having the important point, for which they had so zealously and so justly contended, in a situation which would not afford the smallest probability of their obtaining it hereafter, on the ample and liberal footing which the trade of the province and its relations with the neighboring provinces required; neither could they abandon the clause, relating to the fee bill, the remuneration contemplated therein being precarious, and ill suited to the dignity of the chief justice, while there was a law providing a handsome salary on its expiration, for which they should not fail liberally to provide.

The council, in reply, urged the house to reconsider the bill, and expressed their hopes, that, from the wisdom and virtue of the representatives of the people, something might yet rise to stay the ruin

of the country. They repeated, that, in regard to attachments, they had claimed and adopted all that was ever enjoyed by the king's subjects in England, and they apprehended, that every step beyond the limits of the British constitution, would lead to error, fraud and injustice; and, considering the fee bill of 1748, as a solemn grant, from the legislature, of certain fees and perquisites to the chief justice, as a reward for his services, they could not reconcile it to their ideas of equity and justice, to take from that officer this permanent security for his support, without allowing him an equivalent: nevertheless, as they were willing, as much as possible, to remove every difficulty from the establishment of the courts, and as some sacrifice was to be made, when so much good was to be obtained, they repeated their offer to concur in a separate bill, for the repeal of the fee act, with a suspending clause.

They objected to the limitation of the jurisdiction of the superior court, thinking it reasonable, that all the king's subjects, should be left at liberty to sue in either court; and inconsistent to give, in one and the same bill, to the superior court, all the powers incident to the king's courts at Westminster, and, at the same time, to limit its jurisdiction in a manner, unknown to those courts.

They concluded that, if what they had offered was still thought inadequate to the views of the house, they could go no further, and must leave the rectitude of their intentions to be decided at some future period, when the ardor of the contest should have subsided, and the arguments, offered by the houses, should be impartially weighed.

The house reconsidered the bill and proposed a proviso, confining the process of attachment to cases in which proof of the defendant absconding, with the intention to avoid the payment of the debt, so far as his intentions could be judged, from certain circumstances, which should be considered as evidence of such an intention. These circumstances were stated to be, in case of a debtor, residing out, or who had never been in the province, neglect of payment, in other cases, his private removal out of the county, or concealment, in the creditor's belief, from the ordinary process, to avoid payment: the process was also confined to cases in which the cause of action, by the most liberal construction, in favor of the creditor, inhabitant of the province, could possibly be construed, to have arisen within it.

They refused to concur with the council, as to the fee act of 1748, or to strike out the clause, limiting the jurisdiction of the superior court, thinking that to leave the creditor at large, to bring his action for small sums in the superior court, would be distressing and oppressive to poor debtors.

Soon after their message was read in the council, the governor sent to that body a copy of two articles of the king's instructions to him, which, he observed, were couched in words, so express and plain, and so pointedly forbade his assent to the bill, with the amendments proposed by the house of assembly, that he hoped the council would think it inconsistent with their duty to the king, to advise him to offend against his instructions, by passing the bill. In one of these articles, it was said the king would

not consent that the jurisdiction of his superior court should be limited, in cases of any value whatever; by the other, the governor was forbidden to re-enact any law to which the king's assent had been before refused, without express leave for that purpose, obtained upon a full representation to be made through one of the principal secretaries of state, of the reason and necessity for passing such a law; nor to assent to any law, repealing any former law of the province, unless there be a clause inserted in it, suspending its operation till the king's pleasure be known.

The council, however, agreed to the amendment as proposed by the house of assembly, and it having taken place, the bill, at length, passed the last reading.

Before the house went to the palace, to present, for the governor's assent, the superior court bill, a resolution passed, without a dissenting vote, that the house and the council had pursued every useful measure, in their power, to relieve the colony from the distressed situation to which it was reduced, for want of court laws, and, that as well by the bills already passed as by those still under consideration, they had exerted their utmost endeavors to lessen the present and to prevent the future calamities of the colony.

In rejecting the superior court bill, the governor said, he could never find himself in a situation more affecting to his sensibility, than when his duty to his king opposed his compliance with their wishes: he had flattered himself, his open, free and candid communication of the royal instructions and

his repeated assurances, that his conduct must be regulated by the sincere inclination he had constantly expressed and manifested, to concur in any consistent plan, not repugnant to those rules, would defend him from the tender feelings that oppressed his heart. He besought them not to make him any longer mourn over the miseries of the colony, with a heart felt devotion for its service; because he was not allowed to do all they wished; he dismissed them for further deliberation, with a prayer that the Almighty might guide their councils, to the perfect restoration of the prosperity and the greatest advancement of the glory and happiness of the province.

The house appointed a committee to draw up a loyal and dutiful petition to the king and parliament, praying for the repeal of the statute, preventing bills of credit being issued in the colonies, so far as it regarded the province, and to allow the passage of a bill to make the debentures of the province a legal tender in all payments, and that in case it was thought improper to grant the request of the house, the king might be pleased to withdraw his instructions to the governor, forbidding to pass any law subjecting the property of debtors, taken in execution, to a valuation, and that the house might be allowed to pass a law similar to the late act on that subject.

The house came to a resolution, that the power of attaching the estates of foreign debtors was founded on principles of the strictest equity, and was a benefit so essential to the commercial interest of the colony, that they thought it a duty which they owed to themselves and posterity, to retain it unimpaired, and that their not

being able to obtain a law, for continuing this power to the inhabitants of the colony, was the source from which its present distresses were principally derived; that the late superior court bill, as it had gone from the house on the third reading, appeared to be well fitted to the policy of the country; reserving to the colony the power of attaching the effects of foreigners, and, at the same time, guarding against any possible injury to debtors residing abroad; that an extension of the jurisdiction of inferior courts would be of great benefit to the colony, and that, therefore, it was the duty of the house, to endeavor to obtain the king's permission to extend it.

The house appointed Thomas Barker and Alexander Elmsley, to carry the above resolves into effect.

Laws were passed, for establishing inferior courts, and a court of oyer and terminer, to be holden semi-annually in each of the judicial districts, by the chief justice, or in case of his inability, by justices, appointed by the governor; jurisdiction was given to these courts, over the decisions of the inferior courts, by writs of error or appeal; the jurisdiction of the county court, was confined to causes of no less value than five pounds, nor more than twenty pounds; both acts were to continue in force only till the end of the session of assembly, after one year.

The recurrence to the press, for the supply of a circulating medium, in time of need, had been so frequent in the province and the neighboring ones, that the rapacity of the counterfeiters was excited, and their success had been so great, that they had supplied a considerable portion of the paper in circulation. It was judged necessary, in order to check their progress, to make this kind of imposition a felony, without the benefit of clergy.

Doubts having arisen, whether slaves, being considered by the laws of the province, as things not as persons, the maliciously killing of a slave was legal murder, an act was accordingly passed, making the first commission of this offence a misdemeanor, punishable by imprisonment only; a repetition of the offence was recognized as murder, and punishable, as in the case of the destruction of a white man.

A new county was formed out of the northern part of the county of Tyrell and the southern part of that of Halifax, to which the name of Martin was given, in compliment to the chief magistrate.

The house came to a resolution, that the poll tax and duty on liquors, laid in the years 1748 and 1754, for the redemption of the paper currency then emitted, ought long ago to have ceased; that the house had frequently passed bills to repeal the clause imposing them, and their not being able to obtain a law for that purpose, was a great grievance to the inhabitants of the province and oppression to its trade.

The treasurers were directed to issue orders to the collector not to receive the tax for the year 1774, nor the duty for liquors, imported after the first day of May following.

The house declared, they would consider such collector, as would receive the tax or duty afterwards, as guilty of a contempt of the resolutions of the house, and as meriting their highest censure, and that they would consider it as a duty, incumbent on them, to indemnify any person who might incur any damage, by acting in obedience to this order, in this respect; and that the public faith stood pledged to make good any deficiency,



should any appear, on the final settlement of the money collected, in virtue of the tax and duty.

In giving his assent to the bills, for the establishment of courts of oyer and terminer and inferior courts, the governor lamented, that no better system was offered for the dispensation of justice, than the establishment of county courts, the limited jurisdiction of which reached not cases of greater value than twenty pounds, leaving the people without relief in more important cases, a distinction quite irreconcilable to the impartiality of justice.

He said, that the measures which had been taken, to render ineffectual the powers he derived from the king, for the protection of his subjects in the province, and the pendency of the bill, for erecting courts for the trial of criminal matters, were reasons of the greatest weight with him, for giving his assent to a plan, so inadequate to the due administration of justice, so incompetent to the security of the public revenue, the collection of which was left to depend on the integrity of officers, which had appeared to him so inconsistent with every principle of good policy. Next to this consideration, he wished to assure them, he was willing to concur with the house, as far as possible, in the relief of the distresses of the province; and on the one hand, he well knew example to be of greater force than precept, so, on the other, he rested satisfied, that a short use of the expedients adopted, would convince the houses of their inefficacy, as well as of the integrity of his intentions and the rectitude of his conduct: after all, he was but too sensible, his assent to those bills, of a nature so unusual, new and extraordinary, would need all the apology he should be able to make, to his royal master.

He lamented the bad state in which the militia of the province was left, and observed, that the information lately received from the superintendant of Indian affairs, relative to the designs of the Indians, left him, at least, a doubt concerning them, and urged the propriety of the interposition of government, to prevent their outrages on certain of its people, settled in the Indian territory, in vengeance for whose encroachments, it was to be feared, the Indians might extend their violence against the innocent and unguarded inhabitants on the frontiers; and, as the prolongation of the session, for a day or two, would be far less inconvenient and expensive, than a new session, he pressed them to retire and consider, on proper means for the defence of the province.

A militia bill, accordingly, passed both houses and, on the following day, received the governor's assent. This was the last bill, to which the sanction of a governor was asked, in North Carolina.

On the 25th of March, the assembly was prorogued, and four days after was dissolved by proclamation; this measure was confessedly grounded on the assumption of a power unconstitutional, repugnant to the laws and derogatory of the honor and good faith of the province, by attempting to abrogate an act of the general assembly, upon which the public credit essentially depended; and, about one month after, the governor, by proclamation, called on all sheriffs and collectors to levy the poll tax and duty on liquors, notwithstanding the directions of the assembly to the contrary.

In the month of June, public notice was given, that the king, by his instructions to the governor, of the 9th of February, had established new orders and

regulations for the future disposal of his lands in the province, excepting to such reduced officers and soldiers to whom lands were directed to be granted, by his proclamation of the 7th of October, 1773; but had signified that it was not his intention that those persons, who had hitherto obtained warrants of survey, should be precluded from ripening them into grants, or that any claim to a grant, founded on any antecedent step, that could give an equitable title to it, should be precluded.

During the summer, the people, in the different parts of the province, openly avowed their intention of joining in the measures proposed by the inhabitants of the province of Massachusetts. Meetings were held in the principal towns and in several of the counties, and a general one was proposed, to be composed of deputies, chosen in every county and town, entitled to representation, in the legislature. It was recommended to the delegates, to meet in the town of Newbern, on the 25th day of August.

On the 13th of that month, the governor issued his proclamation, complaining of the meetings which had then been held, without any legal authority, and in which, he said, resolves had been entered into and plans concerted, derogatory to the authority of the king and parliament, and stating his apprehension, that the same inflammatory, disloyal and indecent measures might be adopted in such future assemblies, inconsistent with the peace and good order of the government, tending to excite clamor and discontent among the king's subjects, requiring the people, on their allegiance, to forbear to attend

any such meetings, particularly the general one, and requiring the king's officers to oppose such meetings to the utmost of their powers.

The deputies, however, attended on the day appointed, and began their session, without any obstruction: they made choice of John Harvey, of the county of Perquimans, as their moderator.

The council, having been convened by the governor, and consulted on the steps which were most proper to be taken, advised him that "nothing could be done."

The meeting proceeded to business, and entered into a number of resolutions; in the preamble of which, they declared themselves impressed with the most sacred regard for the British constitution, and determined to maintain the succession of the house of Hanover. They expressed their unshaken fidelity to their sovereign and their attachment to their fellow subjects of Great Britain: asserting, that, viewing, with the utmost abhorrence, every attempt which might tend to disturb the peace and good order of the colony, or to shake the loyalty of the king's subjects, residing in it; but, at the same time, stating, that they conceived it a duty which they owed to themselves and their posterity, in the alarming state of British America, when their most essential rights were invaded, by powers, unwarrantably assumed by the parliament of Great Britain, to declare their sentiments in the most public manner, lest their silence should be construed as an acquiescence, and as a very strong evidence of their patient submission to the burden lately imposed on them.

After these preliminary declarations, they made a formal recognition of George III. as the lawful and rightful king of Great Britain and her dominions, and of the province of North Carolina and parts thereof, avowing their faithful and true allegiance to him, as their sovereign.

They stated, that they laid claim to no more than the rights of Englishmen, without any diminution or abridgement, which, it was their indispensable duty, and would be their constant endeavor, to maintain to the utmost of their power, consistently with their loyalty to the lawful sovereign and their great regard for the constitution.

They asserted it to be of the very essence of the British constitution, that no subject should be taxed, but by his own consent, freely given, in person, or by his legal representative, and that any other mode was highly derogatory to the rights of the subject, and a gross violation of the grand charter of their liberties; and that, as the British subjects, resident in America, had not, nor could they have, any representation in the parliament of Great Britain, any act of that body, imposing a tax on them, was illegal and unconstitutional, and the provincial assemblies (the king, by his governor, constituting a branch thereof) were alone competent to tax the people of their respective colonies.

They declared, that the duties, imposed by several British statutes upon tea and other articles, consumed in America, for the purpose of raising a revenue, were highly illegal and oppressive, and that the late exportation of tea, by the East India company, to different parts of America, was intended to give effect to one of the said acts, and, to establish a precedent, dishonorable

to America, and to obtain an implied assent to the powers which Great Britain had unconstitutionally assumed, of levying a tax on the American people without their consent.

They bestowed high encomiums on the inhabitants of the province of Massachusetts, for having distinguished themselves in a manly support of the rights of America in general; recognized the cause, in which they were suffering, as that of every honest American, deserving the blessings which the constitution bestowed on them; and bewailed the grievances under which the town of Boston was laboring, as the effect of a resentment levelled against its inhabitants, for having stood foremost in an opposition to measures, which must, eventually, involve all British America in a state of abject dependence and servitude.

They reprobated the statute, commonly called the Boston port act, as the most cruel infringement of the rights and privileges of the people of Boston, both as men and members of the British government, and the late statute for regulating the police of the province of Massachusetts, as an infringement of the charter right, granted by king William and queen Mary, and tending to lessen that sacred confidence which ought to be placed in the acts of kings; and the bill for altering the administration of justice, in certain criminal cases, within the province of Massachusetts, empowering the governor to send to Great Britain, for trial, all persons who, in aid of the king's officers, should commit any capital offence, as fraught with the highest injustice and partiality, and tending to produce the frequent bloodshed of the inhabitants of the province, while it furnished an opportunity of committing the most atrocious crimes with

the greatest impunity and without the least probability of punishment.

They asserted, a trial by a jury of the vicinity to be the only lawful inquest that could pass on the life of a British subject; and the right to it had been handed down to them from the earliest ages, confirmed and sanctioned by Magna Charta, and that every subject, punished without it, was not a victim to public justice; but a sacrifice to the power of tyranny and high handed oppression.

They bound themselves not to import after the first day of January, from Great Britain, any East India merchandise, except medicine, nor from the West India, any East India or British goods, nor purchase them imported by other persons, after that day; not to export tobacco, naval stores, or any other to Great Britain, nor sell the same for exportation there, after the first day of October, 1775, unless American grievances were previously redressed; not to import or purchase any slaves imported by others, after the first day of November; not to use, or suffer to be used in their families, any East India tea; and to consider all persons in the province, not complying with these engagements, as enemies to their country.

They voted, that the vendors of merchandise, in the province, ought not to take any advantage of the non-importation, and sell their goods at the rates they were hitherto accustomed to sell.

The deputies manifested their approbation of the proposition of holding a general congress in the city of Philadelphia, in the month of September, to deliberate on the situation of British America, and to concert measures to effect the purpose of defending with cer-

tainty the rights of Americans, repairing the breach made in those rights, and guarding them for the future, from any violation, under the sanction of public authority. They declared, that the people of the province would break off all intercourse with any colony, city, town or individual, who would refuse or neglect to carry into execution such general plans as might be adopted by the continental congress; and that, viewing the attempts made by the minister upon the town of Boston, as a prelude to a general attack on the rights of the other colonies, they determined on contributions, in proportion to their abilities, to ease the burdens imposed upon that town, for their virtuous opposition to the revenue acts, that its inhabitants might be enabled to persist in a prudent and manly opposition to the schemes of parliament and render its designs abortive.

Proceeding to the choice of deputies to the continental congress, their suffrages united in favor of William Hooper, of the county of Orange, Joseph Hewes, of the town of Edenton, and Richard Caswell, of the county of Dobbs.

They were instructed to express the people's sincere attachment to the person and family of their sovereign, their determination to support his lawful authority in the province, and, in the meantime, their steady adherence to the first law of nature, a firm and resolute defence of their persons and properties against all unconstitutional encroachments whatever. To assert the right of the people to all the privileges of British subjects; particularly, that of paying no tax or duty, without their consent, and the exclusive power of the legislature of the province to make laws to regulate its internal polity, subject to the king's disallowance. To concur with the



delegates or deputies from the other provinces, in such regulations, addresses and remonstrances, as may appear conducive to a lasting harmony and good understanding with Great Britain, a circumstance most sincerely and ardently wished for.

It was resolved that, at every future provincial meeting, the votes should be taken by counties and towns, and it was recommended that a committee of five be chosen in each county, by such persons as should accede to the measures now proposed, to see that they be properly carried into execution, and correspond occasionally with the provincial committee of correspondence of the province.

The moderator, or in case of his death, Samuel Johnston, of the county of Chowan, was empowered to convene the present deputies, or such as might thereafter be chosen, on any occasion that might require it.

*Records—Magazines—Gazettes.*

## CHAPTER X.

THE continental congress began its session in the city of Philadelphia, on the 4th of September, 1774. It was composed of delegates from all the British American provinces, except those of Canada, Nova Scotia, Georgia and Florida. Peyton Randolph, the speaker of the late house of burgesses, of the province of Virginia, was called to the chair of this august body: they proceeded on business, with closed doors, and the members were required to divulge such parts of it only, as the majority deemed unnecessary to remain secret.

The state of the province of Massachusetts, was one of the first objects of the consideration of the congress. They expressed their sympathy for the sufferings of the inhabitants of that province, under the operation of the late unjust, cruel and oppressive acts of the British parliament, and their most thorough approbation of the wisdom and fortitude with which, opposition to those unjust measures, had hitherto been conducted, and they earnestly recommended, to their brethren, a perseverance in the same firm and temperate conduct, in the hope, that the effect of the united efforts of North America, in their behalf, would carry such conviction to the British nation, of the unwise, unjust and ruinous policy of the British administration, as quickly to introduce better men and wiser measures.

They also recommended, that contributions, from all the colonies, for supplying the necessities and alleviating the distresses of the people of Boston, should be continued; and that the merchants, in the respective provinces, should forbear to send to Great Britain, any orders for goods and countermand those already given: and, some days after, resolutions were passed, for the suspension of the importation of goods from Great Britain and Ireland, and their dependencies, and of all goods manufactured there, after the first day of December, and inhibiting the purchase or use of any such goods. All exports to Great Britain, Ireland and the West Indies were directed to cease after the 10th of September, 1775, if the grievances of the American people, were not then redressed. The form of an association, for carrying into effect the requisitions of the congress, was drawn up, and subscribed by every one of the delegates.

A declaration of the rights of the inhabitants of the British American provinces, was framed and reference was made to all those which the parliament had lately violated. A petition to the sovereign, addresses to the people of Great Britain, the inhabitants of the province of Quebec and the twelve provinces, represented in congress, were drawn up, and letters were addressed to those who had neglected to send delegates, inviting them to join their brethren in what was deemed the common cause.

The congress recommended the meeting of the other delegates, on the 10th of May, and adjourned on the 26th of October.

In the course of the fall, governor Martin visited the province of New-York, and the administration of government devolved, during his absence, on James Hasell,

the councillor first named in the king's instructions, as president and commander in chief.

At the recommendation of the continental congress, contributions were now raised with great cheerfulness, for the relief of the inhabitants of the town of Boston, throughout the province; merchants of the first respectability, undertook to store and ship, to the port of Salem, the provisions which were, by this means, obtained: committees were also appointed, in every county and in the chief towns, to see the articles of association, entered into by congress, faithfully and punctually carried into execution.

Governor Martin returned from New-York, in the beginning of the new year. On the 10th of February, he issued a proclamation, relative to a purchase lately made by Richard Henderson, one of the late associate justices of the province, and his partners, from the Cherokee Indians, of a tract of land, about three hundred miles square, in payment of which, among other goods, a quantity of ammunition had been promised. This purchase excited the alarm of government and the people, from another circumstance: the company had issued advertisements, inviting debtors, fugitives from justice, and all persons, in desperate circumstance, to repair to the new acquisition, where assurances of an asylum were held out. The purchase included lands within the limits of the province of Virginia, and a portion of the lands granted by the king to the earl of Granville: it was made in violation of the king's proclamation, of the 7th October, 1763, and of an act of the legislature of the province, forbidding the acquisition of Indian lands, by individuals.

The meeting of the legislative body being fixed on an early day, in the month of April, at Newbern, John Harvey, of the county of Perquimans, the moderator of the late meeting of deputies, summoned them to meet at the same time and place, for the purpose of choosing delegates, to attend the continental congress, in the month of May. His advertisement was followed by a proclamation of the governor, intended to counteract its effect.

The delegates, most of whom were members of the assembly, met on the same day as the the legislature; and John Harvey was called to the chair of the assembly and that of the convention of deputies.

In addressing the house, on the 4th of April, the governor said, he met them with the hope that, dismissing every cause of private dissention from their minds, they would calmly, unitedly and faithfully apply themselves to the high and important office of legislation, in which they had so great a share, according to the constitution of their country, which now called upon them for relief, in a most peculiar and pressing manner: he looked with concern and horror to the consequences of the violent and unjustifiable proceedings, in some of the provinces on the continent, where, in many places, the innocent, unwary and ignorant part of the people' had been cruelly betrayed into measures, highly inconsistent with their duty and allegiance to their king and state, tending to involve them in the most embarrassing difficulties and distress, and which, if pursued, must inevitably precipitate the colonies from their present unparalleled state of prosperity into a train of miseries, most dreadful to contemplate: from which ages of time would not redeem their now envied state of felicity.

He observed, the members of the houses were bound by their duty to the king, the state and the people, as well as he was by his, to obviate the contagion of these evil examples in the province, and to defend it, if possible, from the ruin and destruction to which they plainly led.

He expressed his infinite concern on the unhappy influence they already had. The meetings, to which the people had been excited, the appointment of committees, the violences those little, illegal, unrestrained and arbitrary tribunals had done to the rights of the king's subjects, the flagrant and unpardonable insults offered to the highest authorities of the state, by some of their acts, which had been made public, and the stop which had been put, in some of the counties, to the regular course of justice, in imitation of the unwarrantable measures, taken in other colonies, but too plainly evinced their baneful progress in the province, and loudly demanded the most effectual exertion of their restraining and coercing powers.

Addressing himself to the assembly, he told them they were now, by their duty to themselves and their constituents, most particularly called upon to oppose a meeting of the delegates, which the people had been invited to choose, and who were appointed to assemble in the place of the legislature. This illegal meeting, he said, pursuant to his duty to the king and the constitution of the country, and from his regard for the dignity of the house and the just rights of the people, he had endeavored to counteract and should continue to resist by every means in his power.

He asked what all this could mean? Whether the members of the house were not the lawful representa-

tives of the people in the province, and competent to every lawful purpose? Whether they would submit to see their constituents misled, to violate their dearest privileges, by wounding their dignity and setting up representatives, derogatory to their just power and authority?

He added, this was an insult to the house of so violent a nature, that it appeared to him to demand their every possible discouragement; for its evident tendency was to create a belief in the minds of the people, that they were capable of electing representatives of superior powers to the members of the house, which, if it could possibly obtain, would lead, by obvious consequences, to the destruction of the essence, if not the very being, of an assembly in the province, and, finally, to the utter dissolution and overthrow of its established happy constitution. This, he said, was one of the fatal expedients employed in some of the other colonies under the influence to factious and vicious men, intent upon promoting their horrid purposes, at the hazard of their country's ruin. He declared himself willing to believe they had been adopted in the province, more from a spirit of imitation than ill principles, and that the houses, clearly discerning the mischiefs with which they were pregnant, would heartily concur with him in opposing the first dawnings of so dangerous a system.

As an object of the greatest consequence to all the colonies, he recommended it to the attention of the legislature, to employ their utmost care and assiduity to remove those false impressions, by which the engines of sedition had labored to effect, but too successfully, a most unnatural division between the parent state and the colonies, which, under her protecting, indulgent and fos-

tering care, had attained a degree of prosperity beyond all example; while the basest arts had been practised upon the innocent people, who had been blindly led to partake in a guilt, to which their hearts were confessedly averse, and thus, step by step, they were likely to be seduced from their duty, and all the bonds of civil society destroyed, unless timely remedies were applied, a melancholy prospect, that must seriously alarm every good subject, every humane, every honest man.

He besought the members of the houses, as guardians of the constitutional rights of the people, rigorously to oppose proceedings, so manifestly subversive of their freedom and happiness; to undeceive and lead them back from the dangerous precipice, to which an ill spirit of faction was urging them, to the path of their duty; to set before them the sacred tie of allegiance, by which, as subjects, they were bound to the state; to inform them of the reciprocal benefits, which their strict observance of it would entitle them to, and to warn them of the danger to which they must expose themselves and property, and all that they held dear, by revolting from it.

He took notice that the members, both in the houses and in courts, had, in their several capacities, frequent opportunities, most solemnly to swear their allegiance, which was an implied duty from every subject, when it was not professed and declared, a circumstance which must have brought it home to their consideration: hence, he thought, they must be well qualified to explain the obligatory nature and importance of it to the people, who would naturally look up to them for a rule of conduct, in these wild and distempered times; he declared his hope, that, taught by their example, the peo-



ple would immediately return to their duty and obedience to the laws, and gladly free themselves from that tyranny, which ill directed zeal and lawless ambition, by all the arts of misrepresentation and delusion, were courting them to submit to.

He mentioned, with satisfaction, that he had already received signal proofs of the steady loyalty and duty of a great number of the good people of the province, and he had the fullest assurance, that many more would follow their laudable example; he congratulated the houses upon these favorable presages, which, he persuaded himself, they would improve, to the honor and dignity of their country:

He said, the state of the colonies was, at the time, the subject of the deliberations of the great council of the nation, from whose wisdom and justice, every thing ought to be expected, consistent with the principles of the constitution and the general welfare of the empire, while the colonies continued in their duty, and the confessedly generous character of Britain, and the magnanimity of the sovereign, who, through the whole course of his reign, had uniformly made the happiness of his people the object of all his views, and the rule of action insured it; on this great arbiter of British rights, he thought it become them to rely, with the fullest confidence, and to deserve, by a dutiful behaviour, its favorable regard.

He observed, that, if the people of the province had any representations to make to the supreme powers of the state, the assembly were the only legal and proper channel of their applications, through which they might be assured of every attention to their dutiful petitions, and he trusted the house tendered too highly the rights of the people, committed to their guardianship, and

knew too well the limits of their own power, to consign them to any other hands, that must not only be disqualified to serve the people, but would infallibly divest the house of that dignity and consequence, which belonged to them, as the representatives of the people.

He pressed them, laying aside all passion and prejudice, calmly and with one accord, to pursue such a line of conduct, in those points of general concern to America, as might be most likely to heal the unhappy differences now subsisting between Great Britain and her colonies; to consider, how great an opportunity they now had to serve their country, manifest their loyalty to the best of kings, and demonstrate their attachment to the British constitution, the most free and glorious system in the whole world. He hoped, it would be their glory to record to the latest posterity, that, at a time when the monster, sedition, dared to rear his impious head in America, the people of North Carolina, inspired with a just sense of their duty to their king and country, animated by the example of her legislature, stood forth among the foremost of the king's subjects, to repel the fell invader of their happiness: thus redeeming their sinking country to posterity, and acquiring to themselves immortal honor and renown; while a contrary conduct must, at once, plunge a once happy land, into horrors beyond all imagination, whence nothing could recover it, but the generous hand of Britain.

In addition to the powerful motives he had detailed, he observed, he was authorized to say, that the unwarrantable measure of appointing delegates to attend a congress at Philadelphia, then in agitation, would be highly offensive to the king.

He next drew the attention of the houses to the particular state of the province.

The exhausted state of the treasury, the large demands on it that remained unsatisfied, the dues of public officers that remain unpaid, he said, called loudly for their attention, to the ill condition of public credit and the finances of the province.

He congratulated them on the fair opportunity which they had, of restoring to the province a permanent establishment of courts, as he had received the king's determination, on the proposed regulations, with regard to proceedings by attachment, which would be communicated in a special message.

In the address, which was prepared to this speech, the house began by observing, that they had met, with minds superior to private dissensions, determined calmly, unitedly and faithfully, to discharge the sacred trust reposed in them by their constituents, and, actuated by these sentiments, it behoved them to declare, that the assembly of the province had the highest sense of their allegiance to the king of Great Britain, to whom alone, as their constitutional sovereign, they acknowledged it to be due, and to whom they so cheerfully and repeatedly had sworn it; that to remind them of it, was unnecessary. This allegiance, all past assemblies had, upon every occasion, amply expressed, and the present representatives of the people should always be ready with pleasure to testify; sensible, however, that the same constitution, which established that allegiance and enjoined the oath, in consequence of it, had bound majesty under as solemn obligations, to protect subjects inviolate in all their just rights and privileges, wisely intend-

ing, by reciprocal dependence, to secure the happiness of both.

They contemplated, with horror, the unhappy state of America, involved in the most embarrassing difficulties and distresses, by a number of unconstitutional invasions of her rights and privileges, by which the inhabitants of the continent, in general, and of the province, in particular, had been precipitated into measures, extraordinary perhaps in their nature, but justified by necessity: from whence, among many other measures, the appointment of committees, in the counties and towns, took its birth, to prevent, as much as in them lay, the operation of such unconstitutional encroachments, and they expressed themselves unconscious of any step, taken by those committees, but such as they were compelled to resort to, for that salutary purpose.

They added, that, as it was not to be controverted, that the people had a right to petition for a redress of grievances, or to remonstrate against them, and as it was only in a meeting of the people, that their sense, upon such petitions and remonstrances, could be obtained, the right of assembling was undoubted: to attempt, therefore, under the mask of authority, to prevent or forbid a meeting of the people, for such purposes, or to interrupt their proceedings, when met, would be a vain effort to exercise power, in direct opposition to the constitution.

Far be it from us, continued they, even to wish to prevent the operations of the convention, now held in Newbern, or to agree with you in bestowing on them the injurious epithet of an illegal meeting. They are the representatives of the people, appointed for a special and important purpose, and to which, though our constitu-

ents might have thought us adequate; yet as our meeting depended on the pleasure of the crown, they would have been unwise to have trusted to so precarious a contingency, especially as the frequent and unexpected prorogations of the assembly, one of them in particular, as if all respect and attention to the convenience of the representatives had been lost, was proclaimed but two or three days, before the time which had been appointed for their meeting, left the people without the hope that the assembly would have been permitted to sit, till it was too late to appoint delegates to attend the continental congress at Philadelphia, a measure, which, they joined the rest of America, in thinking essential to its interests.

The house observed, they neither knew, nor believed, that any base arts had been practised on the people, in order to lead them from their duty; but they knew with certainty, that the steps they had taken, proceeded from a full conviction that the parliament of Great Britain had, by a variety of oppressive and unconstitutional proceedings, made those steps absolutely necessary; they thought it, therefore, a duty which they owed to the people, to assert, that their conduct had not been owing to the arts of designing men, and had it much to lament, that the governor should have added his sanction to so groundless an imputation, as it had a manifest tendency to weaken the influence, which the united petitions of the king's American subjects might otherwise have upon their sovereign, for a redress of the grievances, of which they complained.

They added, they should feel inexpressible concern, at the information he had given them, of his being authorized to say, that the appointment of delegates to

attend the congress at Philadelphia, then in agitation, would be highly offensive to the king, if they had not been recently informed, on the best authority, of his very gracious reception of the united petition of his American subjects, addressed to him, by the continental delegates, lately convened in Philadelphia; from which they could not have the least reason to suppose, that a similar application to the throne would give offence to the sovereign, or prevent his receiving a petition for the redress of grievances which his American subject had a right to present, separately, or unitedly.

They assured the governor they should ever receive with pleasure, the information of any mark of loyalty to the king, given by any of the inhabitants of the province, but they expressed their great concern lest the manner in which he had thought proper to convey that information, should excite a belief that a great number of the people of the province were disaffected to their sovereign; to prevent this, they judged it incumbent on them solemnly to testify to the world, that the king had no subjects more faithful, than the inhabitants of North Carolina; none more ready, at the expense of their lives and fortunes, to protect and support his person, crown and dignity. They added, that if, however, by the signal proofs he spoke of, were meant the addresses lately published in the Gazette, and said to have been presented to him, they could receive no pleasure from his congratulations on that subject, but what resulted from the consideration, that so few had been found, in so populous a province, weak enough to be seduced from their duty and prevailed on by the base acts of wicked and designing men, to adopt principles so contrary to the

sense of all America, and so destructive to those just rights and privileges, it was their duty to maintain.

They improved the opportunity, the first that had been given them, of expressing their warm attachment to their sister colonies, and their heartfelt compassion for the deplorable fate of the town of Boston, and to declare the fixed determination of the province to unite with the others, in every effort to retain their just rights and privileges, which, as subjects of a British king, they possessed, and which it was their duty to transmit unimpaired to posterity.

In contemplating the exhausted state of the public treasury, the concern that they felt, was, they said, alleviated, from the consideration, that it was not owing to any misconduct of the assembly, who had hitherto been disallowed to pass any inferior court law, but upon such terms which their duty rendered it impossible for them to accept; by which means no list of taxables could be taken for 1773; and consequently no money collected to defray the charges of government for that year, and as the governor had not thought proper to meet the legislature, at the usual time, in the fall of the year 1774, the treasury, deprived of the collections of two years, was unable to enforce the great demands on it, till some law could be passed to replenish it.

Convinced of the necessity of courts of justice, they expressed their willingness to adopt any plan for the establishment of them, consistent with the circumstances of the colony, which might promise judges of capacity and integrity, for such they would, with pleasure, liberally provide.

The house passed resolves, approving the proceedings of the deputies of the continental congress; and expres-

sed their determination, as members of the community in general, to adhere to those resolutions shortly, and use what influence they have, to convince every individual in the colony to observe them.

The governor having laid the journal of the assembly before the council, they unanimously expressed an opinion, that the existence of such a house of assembly was incompatible with the honor of the crown and the safety of the people, recommended the governor to dissolve it.

On the 8th of April the governor dissolved the assembly by proclamation.

The convention came to a resolution, that as the happiness and prosperity of every state, greatly depends on providing within itself, articles necessary for subsistence, cloathing and defence, from common prudence and regard for the colony, they would encourage arts, manufactures, agriculture and every kind of economy, and use their influence with their constituents, and all persons connected with them to provide them.

They recommended to the committees of the several counties, to propose premiums to be given to the inhabitants, whose industry may appear a proper subject for their bounty.

They asserted the undoubted right of the people to meet and petition the throne for a redress of grievances, and that such a right necessarily included that of appointing delegates for that purpose, and resolved that the governor's proclamation forbidding their meeting, and the subsequent one commanding them to disperse, were illegal, an infraction on their just rights and ought to be disregarded, as a wanton and arbitrary exercise of power.

They declared their unqualified approbation of the proceedings of the late continental congress, and elected



the gentlemen attending it, on the part of the province, as its representatives, in the next.

Thomas M'Night, a delegate from the county of Currituck, being called upon to subscribe, with the other members of the convention, the association recommended by the continental congress, refused and withdrew; whereupon the convention declared him inimical to the cause of the liberty of America, holding him up as a proper object of contempt, and recommending to every person to break off all connexion, and cease to have any intercourse with him.

The governor having drawn the attention of the council to the conduct of John Harvey, the speaker of the late assembly, who had summoned the deputies to attend a convention, and had filled the chair of that body, the board recommended, that his name should be stricken off the list of justices of the county of Perquimans, as a mark of their indignation for the conspicuous part he had acted, in what they termed the most dangerous and unlawful proceedings.

On the separation of the deputies, the governor, finding the tide of events strongly running against him, collected a few pieces of cannon, which were scattered about the town, and placed them before the palace, with a view to intimidate the people. He despatched messengers to Cross creek, in the county of Cumberland, in the neighborhood of which, a number of emigrants, from the Highlands of Scotland, had lately settled; he greatly depended on their assistance: others were sent farther towards the mountains, with a view to persuade the people, who had been concerned in the commotions, during the administration of governor Tryon, that their exemption from the punishment, to which he represented them

as still liable, would depend on their ready assistance against the present unlawful opposers of the king's government,

In the meantime, committees were kept up, and met weekly, in every county and in the principal towns; the militia, every where, voluntarily turned out, to be trained, and furnished themselves with arms and ammunition, and every measure was taken to prepare for whatever opposition they might be called upon to make, to the adherents of Great Britain.

Governor Martin's conduct gave great cause of alarm to the people of Newbern: a letter of his, to general Gage, at Boston, of the 16th of March, had been intercepted; the object of it was to solicit a supply of arms and ammunition: it mentioned, that many of the inhabitants of the province began to find, that they had been misled, and seemed inclined to disengage themselves from the arbitrary power of the continental congress and their committees! A watchful eye was kept on his motions; at last the committee of the town interposed, seized and carried off, from the palace, six pieces of artillery. Unable to effect any thing, finding himself suspected and insecure, he now made a precipitate retreat to Fort Johnson, on the river of Cape Fear.

In the beginning of July, some disaffected persons, improving the opportunity which the suspension of order and government seemed to afford, made an attempt to induce a number of negroes, on Tar river, to rise, with a view to lead them on and effect a massacre of the white people. The plan was very near succeeding; but was fortunately disclosed to Thomas Respass, of the county of Beaufort, by one of his slaves. A captain Johnston, of White Haven, in Connecticut, who had

lately come to Bath, for a cargo of naval stores, had been made use of to stir up the black people. Nothing had transpired till the evening of the 7th of July, the eve of the day, on which the tragedy was to have been acted. On the information reaching the committee of the county of Pitt, expresses were sent in different directions, to alarm the people of the neighboring counties. Forty negroes were taken up in the course of a few hours; they all nearly agreed in the account which they gave: they had been directed to fall, on the night of the 8th, on the white people of the family, in which they resided, and, after destroying them, to set fire to the buildings, and proceed thus, from plantation to plantation, till they reached the back counties, where they were promised to be received by persons, sent thither, and armed by government for their protection, and, as a reward for their exertions in the king's cause, they were to be enfranchised and settled beyond the mountains, in a free government of their own. In disarming them, a considerable quantity of arms and ammunition was secured.

The inhabitants of the town of Wilmington, apprehending that the governor might strengthen Fort Johnston and prepare it for the reception of a force which might be employed to distress them, or that he might encourage their slaves to repair and take shelter there, and afterwards arm them against their masters; assembled under the command of John Ashe, who had resigned his commission of colonel of the militia of the county of New Hanover, which he held under the king, they proceeded to the fort, to remove the artillery from it; but found, on their arrival, that the cannon and stores had been taken on board the sloop of war the *Cruizer*, and on board of which the governor had sought shel-

ter. They entered the fort and set the buildings in it on fire.

The committee of the town of Wilmington, by some of their resolves, which they published and circulated through the province, charged the governor with fomenting a civil war, and endeavoring to excite insurrection among the negroes: they declared him an enemy to his country and the province, and forbade all persons to hold any communication with him.

That of the town of Newbern, came to similar resolutions: they prohibited all persons from removing from Core sound, or any place near which the governor might be, without leave from the nearest committee, under pains of not being suffered to return.

The governor, in a letter of the 24th of June, to Lewis Henry de Rossett, one of the council, awkwardly attempted to vindicate himself of the charge of his having given encouragement to the negroes to revolt. He assured that gentleman he had never conceived a thought of that nature, and added his opinion, that "nothing could justify such a measure, but the actual and designed rebellion of the king's subjects, and the failure of all other means to maintain his government."

The continental congress met in the city of Philadelphia, on the 10th of May. In addition to the delegates of the twelve provinces, which had before been represented in congress, a delegate from the parish of St. John, in the province of Georgia, took his seat.

On the 15th of June, George Washington, one of the delegates of the province of Virginia, was ap-

pointed commander in chief of the American forces. The congress declared they would maintain, assist and adhere to him, with their lives and their fortunes.

Continental paper money was emitted, to the amount of three millions of dollars.

On the 26th of June, the congress having taken the state of the province of North Carolina into consideration, and taking notice, that the enemies of the liberties of America, were adopting measures to divide the good people of that province, and defeat the American association, recommended to all in that province, who wished well to the liberties of America, to associate for the defence of American liberty, and to embody themselves as militia, under proper officers, and resolved that, in case the assembly or convention of the province should think it absolutely necessary, for the support of the American association and the safety of the province, to raise a body of men, not exceeding one thousand, the congress would consider them as an American army and provide for their pay.

The 20th of July was observed, throughout the province, as a day of public humiliation, fasting and prayer, in pursuance of a recommendation of the continental congress.

This body ended its session on the first of the following month.

To the woeful catalogue of oppressions which first aroused the American people, were now superadded additional insults and injuries: the humble and dutiful petitions of the continental congress, flattered at first, with a gracious reception, upon their intro-

duction to the throne, had been afterwards buried in a mass of useless papers, upon the table of the house of commons, and shared the common fate of American petitions and remonstrances, to be rejected or forgotten. Bills had been passed for prohibiting the fishery of the New England provinces, and restraining the trade of the other provinces to Great Britain, Ireland and the British West Indies; the minister still continued to pour troops into the town of Boston, reducing that once flourishing city, to a garrison, dealing out from thence, his instruments of tyranny and oppression, to overawe and influence the other provinces. His designs had hitherto proved unsuccessful, and heaven seemed to have assumed the protection of the injured and insulted colonies, and signally to have appeared in their favor, when, in the late battle of Lexington, six hundred raw, undisciplined provincials had defeated treble that number of regular troops and pursued them into their camp.

The provinces of New Hampshire, Rhode Island and Connecticut, in imitation of their brethren in Massachusetts, had enlisted bodies of troops, preparing for the last extremity, and determined to live free, or not at all; that of New York had, to the disgrace of those who represented her, as inimical to the liberties of America, boldly stood forth, determined to brave every danger, rather than to submit to the edicts of the minister, or desert the protection of their constitutional rights and privileges; New Jersey, Pennsylvania and the provinces to the southward had taken an honorable share in the line of defence, armed and equipped themselves, to avert the impending calamity. The latter, in addition to the com-

mon danger, dreading a civil war, as the most awful scourge of heaven, had a most dangerous enemy in their own bosom; and, after the measures which the ministers had condescended to, in order to carry into effect his daring scheme, there was but little room to hope, he would hesitate to raise the hand of the servant against the master. Dr. Johnston, a pensioned tool of the ministry, in a late pamphlet, entitled *Taxation no Tyranny*, had spoken the intention of the administration, in a language too plain to be misunderstood: "The slave should be set free, an act which the lovers of liberty must surely commend, if they are furnished with arms of defence and utensils of husbandry, and settled in some simple form of government, within the country, they may be more honest and grateful than their masters," were the words of this prostituted court favorite."

In these circumstances, the utmost efforts being necessary to get and keep the province in a state of defence, Samuel Johnston of the county of Chowan, in pursuance of a resolve of the late convention, John Harvey, the moderator of that body, having died, summoned a meeting of delegates, to be holden in the town of Hillsborough, on the 20th of August. Soon after the appearance of this summons, governor Martin issued a proclamation of uncommon length; he began, by advertising to the proceedings of the committee of the town of Wilmington, in which he said, "the basest, most scandalous, seditious and inflammatory falsehoods, were asserted, evidently calculated to impose upon and mislead the people of the province, and to alienate their affection from the king and his government, and concluding in the true spirit of licentiousness and malignity, characterising the productions of those seditious combinations,

with the resolve, declaring him an enemy to the interests of the province in particular, and America in general; an impotent and stale device, which the malice and falsehood of these unprincipled censors had suggested, and which was the last contemptible artifice resorted to, and employed to calumniate every man, in every rank and station of life, who opposed their infamous and notorious proceedings."

He represented the conflagration at Fort Johnston, as a deed of "wanton barbarity, that would disgrace human nature, in the most savage state, and was an overt act of treason, which would have justified his immediate vengeance, restrained by pity for the innocent, misguided and deluded people, whom he considered, as the blind instruments of their atrocious leaders, who, defeated in the still more flagitious designs they meditated, and of which he had the fullest evidence, and already involved in guilt of the blackest die themselves, it might be presumed, urged on the people to every enormity that might make them appear principals, in their own treason, instead of the blind instruments of them, and by extending the guilt among many, save themselves from the penalties they had wantonly incurred."

The address of the late delegates to the continental congress was next noticed. The governor observed, "the preposterous enormity of it could not be adequately described and abhorred; it marked that assembly as the genuine source of those foul streams of sedition, which, through the channel of committees, had overflowed a once happy land, and now threatened it with every species of misery, ruin and desolation." From this, the proclamation passed to "the treasonable proceedings of an infamous committee, in the town of New-



bern, at the head of a body of armed men, in seizing and carrying off six pieces of artillery, the property of the king, that lay behind the palace; the repeated insults and violences, offered to the king's subjects, by those little, tyrannical and arbitrary combinations, and, among others, to some of the governor's servants, who had been stopped, searched and forcibly detained, when employed upon his business, the unremitting assiduity of those engines of sedition, to sow discontent and disaffection, and the base artifices they employed, to prejudice and alienate the minds of the king's subjects, by confidently and traitorously propagating the most base, scandalous and monstrous falsehoods of the king's religious and political principles, and the ill designs of his ministry, daring thus to defame, and even to traduce the character of the best of princes."

He alluded to the summons, lately issued by Samuel Johnston, "by which the people were invited to elect delegates to a provincial congress, in the town of Hillsborough, as a measure, subversive of the constitution of the province, and evidently calculated to seduce the king's loyal and faithful subjects, in the interior and western counties, whose steady duty to their king and country had hitherto resisted all the black artifices of falsehood and sedition, and had already, on his representation, the king's most gracious acceptance and approbation, which he was authorised to signify to the loyal people of the province, particularly in the counties of Dobbs, Cumberland, Anson, Orange, Guilford, Chatham, Rowan and Surry, who had given more special and public testimonies of their loyalty, fidelity and duty;" he gave them assurances of the king's most firm support, and expressed his confidence, that they

would not only confirm the good disposition of those people, but strengthen and enable them to baffle and defeat every effort of sedition and treason, prompt them also to resist their first approaches, by withstanding the now meditated, seditious attempt of the proposed provincial congress, to steal in upon them the spirit, and erect among them the standard of rebellion, under the pretence of meeting for solemn deliberation on the public welfare.

He forewarned the people to forbear making any choice of delegates, to represent them in the proposed provincial congress, as they would avoid the guilt of giving sanction to an illegal assembly, acting upon principles, subversive of the happy constitution of this country, and, by every means in their power, to discourage so dangerous and unconstitutional an assembly, and resist its baneful influence.

He offered the king's gracious pardon, for all outrages done or hitherto committed, to all such as would return to their duty, the king and obedience to the laws of their country, with ample encouragement and rewards, to such persons, as might deliver up to him the few unprincipled individuals, who had seduced the people to those treasonable outrages.

He denounced John Ashe of the county of New Hanover, and Robert Howe of the county of Brunswick, who, having been elected, by the people, colonels of the militia of their respective counties, had called the men out to be trained to arms, and forewarned the people from electing any military offices, or the persons thus chosen, from arraying the militia, without his commission or authority, in contempt and invasion of the king's prerogative.

Delegates to the provincial congress, were chosen in every county and chief town in the province; most of them met on Sunday, the 20th August; a house was not, however, formed till the next day; one hundred and eighty-four members took their seats.

It being represented to the congress, that endeavors had been made, by the enemies of the liberties of America, to persuade several of the inhabitants of the province, who had been engaged in the insurrections in the years 1770 and 1771, that they remained still liable to be punished, unless pardoned by the king, and that pardons could only be obtained, on condition, that they should, when required, take arms against such persons as should be devoted to destruction, for having taken an active part in the defence of American liberty, the congress came to a resolution, that they would, to the utmost of their power, protect such persons from any injury which may be attempted, on the pretence of punishing them, for any thing done by them, during the insurrection, or in consequence of it.

The congress appointed thirteen of their members to confer with such of the inhabitants of the province, as entertained any religious or political scruples, with respect to associating in the common cause of America, not to receive any ill impressions, that might have been made upon them, by the artful devices of the enemies of America, and to induce them, by any influence and persuasion, heartily to unite for the protection of the constitutional rights and privileges of the people.

The congress expressed their high approbation of the association, entered into by the continental congress, at their first meeting, agreed to adhere to it and recommended it to their constituents.

The members subscribed a test, professing their allegiance to the king, acknowledging the constitutional executive power of government, and solemnly declaring their absolute belief, that neither the parliament of Great Britain, nor any member, or constituent branch of it, had a right to impose taxes upon the colonies, or to regulate their internal police, and that all attempts by force or fraud to establish and exercise such claim and power, were violations of the peace and security of the people, and ought to be resisted to the utmost; and that the people of the province, singly and collectively are bound by the acts and resolutions of the continental and provincial congress; because, in both they are represented by persons chosen by themselves; and they solemnly engaged under the sanction of virtue, honor and the sacred love of liberty and their country, to maintain and support such acts and resolutions to the utmost of their power.

An address to the inhabitants of the province was published, stating the present controversy in an easy and familiar style, in a manner obvious to the meanest capacity, calling upon them to unite in defence of American liberty, and vindicating, from the necessity to which the administration had reduced them, the taking up arms and assuming the controul of the militia and ascribing the silence of the legislative power of government to the refusal of the governor to exercise the functions of his office, by leaving the province and retiring on board of a man of war, without any violence or threat having been offered to him.

The congress unanimously resolved, that the inhabitants of North Carolina would cheerfully pay their proportion of the expenses, incurred by the continental

congress, in embodying and supporting an army, and that they would make ample provision for the redemption of such part of the sum emitted for that purpose, according to the rates fixed, or in proportion to the number of the people in the province.

The president laid before the house, a copy of the governor's proclamation, which had been directed to them. On its being read, it was resolved, that the proclamation was a false, scurrilous, malicious and seditious libel, tending to dispirit the good people of the province, and to stir up tumults and insurrections, dangerous to the peace of the king's government and the safety of the inhabitants, and highly injurious to the characters of several gentlemen of virtue and loyalty; and it was directed to be burnt by the common hangman.

For the support of the American association and the safety of the colony, the congress thought it absolutely necessary to raise a body of forces, consisting of one thousand men, upon the faith of the resolution of the continental congress; to be divided into two regiments of five hundred men each; four hundred were stationed in the district of Wilmington, and two hundred in each of the districts of Newbern, Edenton and Salisbury. The command of the first regiment was given to James Moore, of the county of New-Hanover, and that of the second to Robert Howe, of the county of Brunswick.

The plan of a general confederation, between the united colonies, having been taken into consideration, the congress were of opinion, that it was not then eligible, and the delegates of the province to the continental congress, were instructed not to consent to any plan of confederation, which might be offered to the next congress, until it could be laid before, and approved by, a

provincial congress; it being imagined that the association ought to be further relied on for bringing about a reconciliation with the parent state; and a further confederation ought only to be adopted in case of the last necessity.

The sum of one hundred and fifty thousand dollars was directed to be emitted in bills of credit for the defence of the province; and for the redemption of it, a poll tax was laid for nine years, to commence in the year 1777.

A battalion, to consist of ten companies of fifty men, rank and file, was directed to be raised in every district. The troops, thus to be raised, were called minute men, their uniform was a hunting shirt, leggings or spatterdashes and black gaiters; they were to be embodied in battalions, at or near the town of the district, and continue in training for fourteen days successively; after this, the companies were to return to their respective counties, and be mustered, at least, once in a fortnight. They were to be paid when training, mustering and called to the field. Edward Vail of the county of Chowan, was appointed to the command of the battalion of Edenton district, Richard Caswell of the county of Dobbs, to that of the district of Newbern, Alexander Lillington of the county of New-Hanover, to that of the district of Wilmington, Thomas Wade of the county of Anson, to that of the district of Salisbury, James Thackston, of the county of Cumberland, to that of the district of Hillsborough, and Nicholas Long of the county of Halifax, to that of the district of Halifax.

The congress unanimously agreed on an address to the inhabitants of the British empire.

This paper, which is said to be the composition of William Hooper, began by stating, that the fate of the contest, subsisting between the American colonies and the British ministers, at the helm of public affairs, was one of the most important epochs, which would mark the British history. Foreign nations, with anxious expectations, waited its result, and saw with amazement the blind infatuated policy which the administration pursued to subjugate the colonies, and reduce them from the situation of loyal and useful subject to absolute dependence and abject slavery; as if the descendants of those men, who had shed such rivers of blood and spent millions of treasure, in fixing upon a lasting foundation, the liberties of the British constitution, saw, with envy, the once happy state of this western region, and there to exterminate the patterns of those virtues which shone with a light that bid fair to rival their own.

It was next observed, that to enjoy the fruits of their own honest industry; to call that their own which was earned with the labor of their own hands and the sweat of their brows, to regulate the internal polity, by which they alone were to be affected; were the mighty boons which the people of America asked; and the appellation of traitors, rebels and every other harsh names which malice could suggest and the virulence of language express, were the returns they received to the most humble petitions and frequent supplications; they were told that independence was their object and had the thought to shake off all connexion with the parent state; a cruel suggestion, contradicted by all their professions, all their actions.

The congress declared and invoked the almighty being, the searcher of the recesses of the human heart, that it

was their most earnest wish and prayer to be restored, with the other colonies, to the state in which they were placed before the year 1763, disposed to glance over any regulation, which Great Britain had made previous to that period, and which seemed to be injurious and oppressive to the colonies, hoping, that at some future day, she would benignly interpose and remove every cause of complaint.

They observed, that whenever they had departed from the forms of the constitution, their safety and self-preservation had declared the expedient, and if, in any instance, they had assumed powers which the laws had vested in the sovereign, or his representatives, it had only been in defence of their persons, properties and those rights which God and the constitution had made unalienably theirs; as soon as the cause of their apprehensions and fears were removed, they would return, with joy, those powers to their proper channels, and the institutions, formed from the urgency of the times, should cease with the necessity that had created them.

"Those expressions," continues the address, "flow from an affection, bordering upon devotion, to the house of Hanover, as established by law, from subjects who view it as a monument that does honor to human nature, capable of teaching kings how glorious it is to reign over a free people. These are the heartfelt effusions of men, ever ready to spend their blood and treasure, when constitutionally called upon, in support of the succession of his majesty king George III., his crown and dignity, and who fervently wish to transmit his reign to future ages, as the era of common happiness to his people. Could



these, our sentiments, reach the throne, surely our sovereign would forbid the horrors of war and desolation to intrude into this once happy and peaceful land, and would stop that deluge of human blood which now threatens to overflow this colony: blood too precious to be shed, but in a common cause, against the enemies of Great Britain and her sons."

The congress averred, that these declarations were held forth as testimony of loyalty to their sovereign and affection to the parent state, and as a sincere earnest of their present and future intentions, and, they flattered themselves, thereby to remove those impressions, which had been made by weak and wicked men, to the prejudice of the colony, with the intention of bringing the rectitude of the designs of its inhabitants into distrust and spread sedition, anarchy and confusion through a loyal province.

Having thus discharged their duty to the world, themselves and posterity, they hoped that Almighty God might give success to the means they were about to make use of, so far as they might be aimed to produce just, lawful and good purposes, and the salvation, peace and happiness of the whole British empire.

It being necessary to organize some kind of provisional government, a provincial council was established, composed of two persons, duly chosen by the delegates of each district, and one by the whole congress.

Accordingly, Samuel Johnson was chosen by the congress, and Cornelius Harnett and Samuel Ashe

by the delegates of the district of Wilmington; Abner Nash and James Coor by those of the district of Newbern; Thomas Jones and Whitmill Hill by those of the district of Edenton; William Jones and Thomas Jones by those of the district of Halifax; Thomas Person and John Kinchen by those of the district of Hillsborough, and Samuel Spencer and Waightstill Avery by those of the district of Salisbury.

A committee of safety, composed of a president and twelve members, was also chosen by the delegates for each district.

A committee of twenty-one members in every county, and one of fifteen in each of the towns of Edenton, Newbern and Wilmington, and seven in each of the other county towns, were directed to be chosen by the freeholders.

The meetings of the provincial council were to be quarterly. The court house of the county of Johnston was the place, at which they were first to assemble to transact business, and they were allowed the privilege of fixing other times and places of meeting.

The committees of safety were directed to hold their meetings quarterly, in the principal town of the district.

The county and town committees were to meet monthly, at the court house.

The latter were permitted to sit jointly, or be consolidated with the committee of the county.

The provincial council were empowered to call out the militia, in cases of alarm, to reject officers,

## CHAPTER XI.

IN the western part of the province, the people were still eager in their resistance. In the months of March and April, 1775, the leading men in the county of Mecklenberg held meetings to ascertain the sense of the people, and to confirm them in their opposition to the claim of the parliament to impose taxes and regulate the internal policy of the colonies. At one of those meetings, when it was ascertained, that the people were prepared to meet their wishes, it was agreed, that Thomas Polk, then colonel commandant of the county, should issue an order directed to each captain of militia, requesting him to call a company meeting to elect two delegates from his company, to meet in general committee, at Charlotte, on the 19th of May; giving to the delegates ample power to adopt such measures, as to them, should seem best calculated to promote the common cause of defending the rights of the colony, and aiding their brethren in Massachusetts. Colonel Polk issued the order, and delegates were elected. They met in Charlotte, on the day appointed. The forms of their proceedings and the measures to be proposed had been previously agreed upon, by the men at whose instance the committee were assembled. The Reverend Hezekiah Jones Balch,

Dr. Ephraim Brevard, and William Kennon, esq. an attorney at law, addressed the committee, and descanted on the causes which had led to the existing contest with the mother country, and the consequences which were to be apprehended, unless the people should make a firm and energetic resistance to the right which parliament asserted, of taxing the colonies and regulating their internal policy.

On the day on which the committee met, the first intelligence of the action at Lexington, in Massachusetts, on the 19th of April, was received in Charlotte. This intelligence produced the most decisive effect. A large concourse of people had assembled to witness the proceedings of the committee. The speakers addressed their discourses, as well to them, as to the committee, and those who were not convinced by their reasoning, were influenced by their feelings, and all cried out, "let us be independent! let us declare our independence and defend it with our lives and fortunes!" A committee was appointed to draw up resolutions. This committee was composed of the men who planned the whole proceedings, and who had, already, prepared the resolutions which it was intended should be submitted to the general committee. Doctor Ephraim Brevard had drawn up the resolutions sometime before, and now reported them, with amendments, as follows:

*"Resolved,* That whosoever directly or indirectly abets, or in any way, form or manner, countenances the invasion of our rights as attempted by the parliament of Great Britain, is an enemy to his country, to America and the rights of man.

*"Resolved,* That we, the citizens of Mecklenburg county, do hereby dissolve the political bonds which

have connected us with the mother country; and absolve ourselves from all allegiance to the British crown, abjuring all political connexion with a nation, that has wantonly trampled on our rights and liberties, and inhumanly shed the innocent blood of Americans at Lexington.

*Resolved*, That we do hereby declare ourselves a free and independent people, that we are and of right ought to be a sovereign and self-governing people, under the power of God and the general congress; to the maintenance of which independence we solemnly pledge to each other, our mutual co-operation, our lives, our fortunes and our most sacred honor.

*Resolved*, That we do hereby ordain and adopt as rules of conduct, all and each of our former laws, and the crown of Great Britain cannot be considered hereafter as holding any rights, privileges or immunities amongst us.

*Resolved*, That all officers both civil and military, in this county, be entitled to exercise the same powers and authorities as heretofore; that every member of this delegation shall henceforth be a civil officer, and exercise the powers of a justice of the peace, issue process, hear and determine controversies according to law, preserve peace, union and harmony in the county, and use every exertion to spread the love of liberty and of country, until a more general and better organized system of government be established.

*Resolved*, That a copy of these resolutions be transmitted, by express, to the president of the continental congress, assembled in Philadelphia, to be laid before that body."

These resolutions were unanimously adopted and subscribed by the delegates. James Jack, then of Charlotte, but now residing in the state of Georgia, was engaged to be the bearer of the resolutions to the president of congress, and directed to deliver copies of them to the delegates in congress from North Carolina. The president returned a polite answer to the address which accompanied the resolutions, in which he highly approved of the measures adopted by the delegates of Mecklenberg; but deemed the subject of the resolutions premature to be laid before congress. Messrs. Caswell, Hooper and Hewes, forwarded a joint letter, in which they complimented the people of Mecklenburg for their zeal in the common cause, and recommended to them, the strict observance of good order; that the time would soon come, when the whole continent would follow their example.

On the day that the resolutions were adopted by the delegates in Charlotte, they were read aloud to the people, who had assembled in the town, and proclaimed amidst the shouts and huzzas, as expressing the feelings and determination of all present. When captain Jack reached Salisbury, on his way to Philadelphia, the general court was sitting, and Mr. Kennon, an attorney at law, who had assisted in the proceedings of the delegates at Charlotte, was then in Salisbury. At the request of the judges, Mr. Kennon read the resolutions aloud in open court, to a large concourse of people; they were listened to with attention and approved by all present.

The delegates at Charlotte being empowered to adopt such measures, as in their opinion would best promote the common cause, established a variety of regulations for managing the concerns of the country. Courts of

justice were sent under the direction of the delegates. For some months these courts were held at Charlotte, but for the convenience of the people, (for at that time Cambridge formed part of Mecklenburg,) two other places were selected, and the courts were held at each in rotation. The delegates appointed a committee of their army, who were called "a committee of safety," and they were empowered to examine all persons brought before them charged with being inimical to the common cause, and to send the military into the neighbouring counties to arrest suspected persons. In the exercise of this power, the committee sent into Lincoln and Surrow counties, and had a number of persons arrested and brought before them. Those who manifested penitence for their crimes, and took an oath to support the cause of liberty and of the country, were discharged. Others were sent under guard into South Carolina for safe keeping. The meeting of the delegates at Charlotte and the proceedings which grew out of that meeting, produced the zeal and unanimity for which the people of Mecklenburg were distinguished during the whole of the revolutionary war. They became united as a band of brothers, whose confidence in each other, and the cause which they had sworn to support, was never shaken in the worst of times.

The continental congress met on the 13th of September.

The province of Georgia sent delegates to that body.

They recommended to the provinces of New-York, North Carolina and Georgia, and the three lower counties in Delaware, which had been excepted, from the effect of the act of the British parliament,

for restraining the trade of the provinces, to forbear availing themselves of the benefit allowed them by that act, and that no person should apply to the custom houses of the said colonies, for such clearances and documents, as could not be obtained in the other colonies.

The province of North Carolina was directed to supply the island of Bermuda with sixteen thousand bushels of corn and four hundred and sixty-eight bushels of peas and beans.

Three millions of dollars were emitted in bills of credit.

The provinces of Maryland, Virginia and North Carolina were permitted to export produce, to any part of the world, except Great Britain, Ireland and the rest of her dominions, and to import salt in return.

The two battalions which had been ordered to be raised in the province of North Carolina, were increased to the continental establishment, and kept in the pay of the united colonies, for the purpose of defending that province and assisting the adjacent ones.

Application was made to the committees of safety of the provinces of South Carolina, for so much powder as could be spared, for the immediate use of the province of North Carolina; and the delegates of that province were directed to purchase drums, fises and colours, for its use.

The congress recommended to the committees of safety of that province, to employ, immediately, all the gunsmiths that could be procured, in making muskets and bayonets.



Two ministers of the gospel were engaged, by the congress, to proceed, immediately, to those counties of North Carolina settled by the regulators and highlanders, for the purpose of informing them of the nature of the dispute between Great Britain and the colonies: and, it was recommended to the committee of safety in case the method of defending the province, by minute men, proved inadequate, to substitute some other means more effectual.

The provincial council met, for the first time, on the 13th of October, and made choice of Cornelius Harnett for their president.

Some disturbances happening, in the county of New Hanover, in which, a number of the inhabitants met, and protested against the proceeding of the late provincial congress, at Hillsborough; the council requested their president, John Ashe and Samuel Ashe, two of their members, to proceed to that county, in order to conciliate the minds of the people: the council, for this purpose, adjourned for a few weeks.

They recommended to the committee of safety of the district of Wilmington, to use their utmost endeavors to cut off all manner of personal communication between the governor and the officers of the ships of war, in the river of Cape Fear, and the people of the province.

The committees of safety of the districts of Wilmington, Newbern and Edenton, were directed, to procure, immediately, an armed vessel each.

The deputies of the council succeeded in reconciling the party who had risen against the measures of the provincial congress, but, in the mean while, serious

discontents had broken out in the county of Cumberland; the county had lately received a considerable accession of population, by the migration of a number of families from the highlands of Scotland, the heads of many of which had suffered in their former country, by their adherence to the cause of the pretender; and the dread of meeting the further consequences of an opposition to the reigning sovereign, having brought them to North Carolina, a desire of enjoying that peace and quietness, of which they were in quest, rendered them averse to join any opposition to government. In the west and north of their settlements, were those of the people, who had lately been engaged in the troubles of the regulation war, and who, discouraged by their ill success, viewed the proceedings of the congresses, in the light in which those of their own meetings had appeared; the rest of the inhabitants of these counties were divided in their mode of thinking. The union of the highlanders, the regulators, and that portion of their neighbors who were desirous of remaining under the kingly government, or had no confidence in the success of its opponents, appeared, to governor Martin, an object easy to be accomplished, and of vast importance to the royal cause. The possession of this part of the province, the very heart of it, would enable him to keep the rest in awe, if not in subjection; and the arrival of Sir Henry Clinton, who was hourly expected at Wilmington, from New York, with a body of troops, promised to secure the command of the only part of the coast of the province, which was accessible to ships of war; accounts had also reached the province, that Sir Peter Parker and lord Cornwallis would sail from England in the beginning of the new year, with a considerable body

of troops, and there was reason to believe, their first visit would be to the southern provinces.

With this object in view, the governor sent emissaries into the upper counties, and issued a commission of brigadier general to Donald McDonald, an influential character among the Scotch emigrants; with this testimonial of his rank, the new general received a proclamation, commanding all the king's loyal subjects to join his standard; the date of this instrument was left in blank, in order to enable him to publish it, at a favorable moment.

While the governor was thus preparing matters, for a sudden and vigorous attack on the southern, Lord Dunmore of Virginia, was making arrangements to strike a blow on the northern counties of the province; to one hundred and twenty regular troops he had joined a number of Tories and negroes, in whose hands he had placed some arms; with this force, he marched to the Great Bridge, in the county of Nansemond, Va. where he entrenched himself, waiting the success of some of his emissaries, who had gone into the counties of the district of Edenton, with a view to induce the slaves of the planters to endeavor to obtain their freedom, by flocking to the royal standard in his camp.

A party, under lieutenant colonel Scott, marched against him; on the day of their arrival at the Great Bridge, they had a rencontre with the enemy, and killed five white men and sixteen negroes; on the next day, lieutenant Tibbs, who had the command of the boat guard, about six miles from that place, was attacked by a party of the king's troops and a number of negroes; several of his men broke ground, but he maintained his stand with the rest, until lieutenant colonel Scott dis-

patched captain Nicholas, with fifty men, to reinforce him; these had to pass through a heavy fire, and, when they joined the lieutenant, they found he had beaten off the enemy and killed seven of their men, among whom was the officer, who headed the party.

The troops from North Carolina joined them early; on the evening of the third of December, they saw a pile of large buildings on fire, at the far end of the village, between which and the fort, the enemy had placed some sentries.

On the fourth, they sent a party of one hundred men, under the command of colonel Stephens of the battalion of minute men, over the river; he fell in with a guard of about thirty men, chiefly negroes; they got close to the sentry, before they were discovered; he challenged, and receiving no answer, fired; the Americans, being too eager, began the attack immediately, without waiting for orders, and kept up a very hot fire for nearly fifteen minutes; they killed one, burned another in the house and made four prisoners, all blacks; the rest fled: some fine muskets fell into their hands.

General McDonald published the governor's proclamation, early in the month of February, and erected the king's standard at Cross creek; about fifteen hundred men collected around it. On the first intimation of it, colonel Moore, at the head of the first continental regiment, lately raised in the province, and such a part of the militia of the district of Wilmington, as he could collect, took the field, with a few pieces of cannon; he halted near the bridge, on Rocky river, in the county of Cumberland, about the distance of twelve miles from Cross creek, fortified a camp and patiently sat down, waiting the motion of the enemy; his post was a very

advantageous one, as it enabled him to prevent the junction of the forces, raised by general McDonald, with those which were expected at Wilmington, from the northern provinces and Great Britain, or which the governor might be able to collect, in the counties of Onslow and Carteret and along the shores of Cape Fear river, to which places he had sent emissaries for that purpose.

In the mean while, colonel Caswell and colonel Lillington, who commanded the minute men of the districts of Newbern and Wilmington, joined by some parties of militia and a few volunteer corps, came and encamped on the bank of Moore's creek, near its junction with South river, in the county of New Hanover.

Soon after, general McDonald marched, at first towards colonel Moore, and halted, at some distance from his camp; he sent in an officer, charged with a letter to the colonel, bemoaning the difficulty of his situation, and pressed, by his duty to his sovereign, to the fatal necessity of shedding blood, while, led by the principles of humanity, he wished the event might be prevented, by the submission of the colonel and his party, to the constitution and laws of their country; he inclosed a copy of the governor's proclamation and of his own manifesto, expressing his hope, that the colonel would coolly, impartially and deliberately weigh their contents, and pay them that regard they justly merited, from every friend to the human species; he proffered to to him, his officers and men, in the king's name, a free pardon and indemnity for all past transgressions, on their laying down their arms and taking the oath of allegiance, and concluded, that, unless these terms were accepted, he must consider them as traitors to the constitution, and take the necessary steps to conquer and subdue them.

Desirous of gaining time, colonel Moore amused the general, till he could no longer temporise; he then replied, that his followers and he were engaged in a noble cause, the most glorious and honorable in the world, the defence of the rights of mankind; they needed no pardon. In return for the governor's proclamation, he enclosed a copy of the test required by the late provincial congress, to be subscribed by every officer in the province, invited him to subscribe and offer it for the signature of his officers, and on their doing so and laying down their arms, he promised to receive them as brothers; but concluded, that in case of their refusal, the general and his men could only expect that treatment with which he had been pleased to threaten him and his followers.

Accounts reached the general's camp, at the time he received colonel Moore's final answer, of the motions of colonel Caswell and colonel Lillington, and of the arrival of Sir Henry Clinton in Cape Fear river, with a reinforcement, as well as of lord William Campbell, governor of South Carolina. General McDonald now thought it dangerous to risk an action with colonel Moore, and dreading to find himself surrounded, thought of nothing but making his way to Wilmington, with a view to join the troops lately arrived; he, therefore, decamped without noise, and attempted, by rapid marches, to elude the pursuit of colonel Moore; he crossed South river, and proceeding down towards the town of Wilmington, fell in with colonel Caswell and colonel Lillington, who, with about one thousand men, were encamped on the south-east side of the creek, where they had thrown up some works for the defence of their camp; colonel Caswell had caused the planks of the bridge to be taken up;

the force of the province was much inferior to that under the general, but the latter had the disadvantage to have the creek to cross; and in the situation in which the bridge was, if an attack was made, a retreat would have been a precarious resource; it was, however, determined to risk an encounter, and the general being disabled, by indisposition, to lead on the men, colonel McLeod, the next officer in rank, placed himself at their head. They began the attack with much vigour, and were received by the provincial forces with great coolness and bravery, but the fall of colonel McLeod and of several officers, early in the battle, damped the spirits of the men, and colonel Caswell having improved the first moment of apparent discomfiture, to charge with intrepidity and boldness; the royal army was routed, and the men, flying in every direction, were strenuously pursued, and several were made prisoners; general McDonald himself was taken.

The fortunate issue of this first engagement with the forces of government, was a most favorable circumstance to the cause of the province; it increased the confidence of its friends, and filled its opposers with apprehension and alarm, while it determined a great part of those who had hitherto refrained from choosing their side.

The provincial council met, a few days after, in the town of Newbern; the continental congress, having recommended to them and the provincial council of Georgia, to send members of their bodies to Charleston, to confer with a committee of the council of safety of the province of South Carolina, upon weighty matters, relative to the defence and security of the three provinces, Abner Nash of the town of Newbern and John Kin-

chen of the town of Halifax, proceeded on that mission, at the request of the council.

The continental congress ordered an emission of four millions of dollars, in bills of credit.

They appointed major general Lee to the command of the continental forces in the southern department, composed of the provinces of Virginia, North and South Carolina.

Colonels James Moore and Robert Howe were appointed brigadier-generals, the former to command in the province of North Carolina, the latter in that of Virginia.

The provincial congress met, at the town of Halifax, on the fourth of April; they chose Samuel Johnston for their president; Francis Nash of the town of Hillsborough and Alexander Martin of the county of Guilford, were appointed colonels of the two first regiments of the province, in the continental establishment, in the room of generals Moore and Howe.

Four other regiments were also raised, at the requisition of congress, and the command of them was given to Jethro Sumner of the county of Halifax, Thomas Polk of the county of Mecklenberg, Edward Buncombe of the county of Tyrrel and Alexander Lillington of the county of New Hanover.

A brigadier general was appointed in each district, Richard Caswell in the district of Newbern, John Ashe in that of Wilmington, Griffith Rutherford in that of Salisbury, Thomas Person in that of Hillsborough, Allen Jones in that of Halifax, and Edward Vail in that of Edenton.

These military arrangements were taken, in pursuance of a resolution of the continental congress, recom-



mending to the provincial congress to prepare for a vigorous defence and opposition; accounts having been received; that the British ministry and their agents, had meditated and were preparing an attack upon Charleston and several places in Virginia, and probably in North Carolina.

The continental congress having also desired, that members of the councils of safety of the provinces of Virginia and North Carolina, might meet and confer on such operations, as their mutual interest rendered necessary; general Allen Jones and Thomas Brickell of the county of Hertford were desired to proceed to Richmond.

The sea shore requiring particular attention, a company of fifty men was directed to be raised and stationed at Beaufort, in the county of Carteret, and five other independent companies, for the protection of the remainder of the coast.

In addition to this, two regiments of seven hundred and fifty men each, were directed to be raised in the districts of Halifax, Edenton, Newbern and Wilmington; Philemon Hawkins of the county of Bute was appointed colonel of the first, and Thomas Brown of Bladen, of the second.

Bills of credit were directed to be emitted, to the amount of five hundred thousand pounds, and a poll tax, to continue for twenty years, was imposed.

The former delegates to the continental congress were re-elected; they were empowered to concur, in declaring the independence of the united colonies and forming foreign alliances, but they were instructed to reserve to the province the right of forming its own constitution and laws.

The provincial council, before their adjournment, issued forth a solemn declaration, stating that, impelled by a regard to their own safety and the preservation of those rights and privileges, which God and the constitution had made inalienably theirs, and which the power of Great Britain, with unrelenting vengeance, injustice and cruelty, was laboring to subvert, they had been induced to adopt measures, which it was their wish to explain, to those who might be interested in them and their consequences.

To other provinces, at a distance from their places of residence and without that circle within which their personal and family influence might be exerted, to the prejudice of the continent, and the province in particular, they had deemed it absolutely necessary for the public safety, to remove a body of men, whose residence fortune had cast in the very bosom of the province, and who, in common with the people of it, had shared the blessings which a mild and liberal system of provincial laws, a benign climate and an increasing trade, that poured riches into the lap of honest industry, the countenance and protection of their honest neighbors, held out to them with the most liberal hand.

These misguided people, they observed, disregarding the duty, which they owed to their country, under the just and equal laws of which they had enjoyed protection, procured ample means of subsistence for themselves and families, and possessed of considerable property, they were equally bound, by every tie, human and divine, to defend and maintain the cause of liberty, which, in common with the rest of the province, all virtuous men on the continent, at the hazard of every thing dear to them, were laboring to defend. These men,

confederating with the unnatural enemies of America, taking advantage of their residence in the province and the confidence, which that circumstance necessarily created, had raised their hands against their neighbors and endeavored to embrue them in their blood. God, in his providence, had hitherto defeated their wicked machinations, and put into the possession of the friends of liberty the principal men among those, who, from the wickedness of their own hearts and the seduction of others, meant to have consigned a most flourishing province to the most abject slavery and oppression: though subdued, they still retained principles, inimical to the country, and were ready, as soon as they should be favored by their situation or the assistance of troops, expected every day to invade the province, with the probability of success, to attempt to carry their wishes into execution, and, co-operating with a merciless administration, drench the province in blood.

Such, the congress declared, were the motives of their conduct, which a regard to the common safety, and that first principle of nature, self preservation, prompted and justice demanded at their hands. In the anguish of their hearts, they lamented the sad necessity, which the frailties of their fellow beings had allotted to their share, and still hoped for the reformation of those who, in this happy contest, were severed from them and those endearing ties which nature and social connections had formed for them, and who still remained in the province to lament the folly and wickedness of those who had been removed: to those the congress administered this consolation, that they might rest assured, that no wanton act of cruelty or severity should be exercised towards the prisoners; no restraint imposed upon them, but

what should be necessary to prevent them using their liberty to the injury of the friends of America.

The congress declared, they had their own security in contemplation, not to make others miserable; they commiserated the errors of those whom they had in their power; their situation disarmed resentment: they would hail their reformation with increasing pleasure, and receive them with open arms, and their sincere contrition and repentance would atone for their past conduct. Members of the same political body, the congress said, had felt the convulsion which the severance occasioned, and should bless the day which should restore them to friends of liberty, the cause of America, of God and of mankind.

They added, they warred not with the helpless families those men had left behind; but sympathised with their sorrows and wished to pour the balm of pity into the wounds which a separation from husbands, fathers and the dearest relations had made; and considered them as the rightful pensioners upon the charity of those who had aught to spare, from their necessities, for the relief of their fellow creatures: to such persons they recommended them.

They expressed a hope, that the humanity and compassion which had marked the course they were engaged in, would influence the minds of the prisoners to such a conduct as might call forth the utmost tenderness, as much depended on the future demeanor of the families of the insurgents as on the treatment they would experience. They might consider themselves as hostages for their own good behavior, and, by their own good conduct, do kind offices to their friends, a tribute of du-

ty as well as humanity, from those in whose power they were.

General McDonald was released on his parole.

The congress adjourned on the 14th of May.

The armament which had left the port of Portsmouth in the latter part of December, under the order of admiral Sir Peter Parker, had proceeded to Ireland, to receive some troops. It was detained so long in Ireland, that it did not reach the mouth of Cape Fear river, till the beginning of May. The success of general Caswell, at Moore creek bridge, had so much depressed the friends of the royal cause, that it was, for a long time, deemed of no avail to make any attempt against the province. The troops remained on board of the vessels, in the river, in the vicinity of fort Johnson. On the 12th, however, between the hours of two and three, about nine hundred men were landed, at general Howe's plantation, in the county of Brunswick, under the command of Generals Clinton and Cornwallis. The sentry, posted on the bank of the river, immediately gave the alarm to the guard, who had only time to collect their horses and throw down the fences, to let a few cattle out, which they drove off, before the enemy surrounded the house. On their march up the causeway, from the river, part of the guard kept up a brisk fire on them, which the enemy steadily returned. A few women, who were left in the house, were treated with great barbarity; one of them was shot through the hips, another was stabbed with a bayonet, and a third knocked down with the butt of a musket. In the small skirmish, while the British were on the causeway, they had one man killed, several wounded and a serjeant of the 33d regiment

made prisoner. From general Howe's they marched to Ostin's mill, with a design to surprise major Davis, who commanded a detachment at that place. In this they failed: the major having received intelligence of their landing, by the guard, on their retreat from general Howe's, moved off with his baggage and two swivels in very good order, unperceived by the enemy. They burnt the mills and retreated to the vessels. This invasion produced no other advantage than three horses and two cows.

On the 29th of May, the armament left the river; it consisted of upwards of thirty vessels, without having made any serious attempts against the province: their design, it was believed, being frustrated by the discomfiture of the forces raised by general McDonald. By the unwillingness of the former regulators to join the royal standard, the separation of some of their ships and the loss of eight of their provision vessels, while in the river, they were so distressed for provisions that they killed several horses, on Baldhead, the flesh of which was served to the men. They, however, found some barrels of pork in the county of Onslow, by the assistance of one Gibbs, of New river, and another man called Cruder, with whom governor Martin had kept up a correspondence. This was, however, all that the governor could effect, and he found himself deceived in the hope which he had expressed, of being able to command such a force as would be sufficient, with the assistance of a few ships and troops, to keep the inhabitants of the province in awe and submission.

This second miscarriage damped the spirits of the friends of the royal cause and confirmed the hope which their opponents had entertained, that they would, by their unceasing steadiness, compel the partizans of the crown to abandon the province, or join in the protection of the glorious cause of liberty.

The fleet made its appearance before the city of Charleston, in the early part of June: it, however, abandoned that station before the end of the month. Their inability to strike a blow animated the hopes and depressed the fears of those who imagined, that the American provinces would not prove able to cope with the forces of the mother country.

While it was expected that the sight of the fleet would strike terror into the minds of the inhabitants of the maritime counties, and every possible means was exerted to create dissention and strife in the heart of the provinces; an attack was meditated on the western frontiers. Governor Tonyn of East Florida had requested to be furnished with a small force, at the head of which, reinforced by the adherents to the British cause in his province, he proposed to march into the Indian nations, on the borders of Georgia and Carolina. He had no doubt of his ability to engage the red people to spread slaughter, devastation and ruin on the margins of the provinces, while with his force he promised to march into the thicker settlements. The accidental capture of the bearer of his dispatches prevented the success of his scheme. It was not, however, entirely defeated. On the very day the British fleet began to fire on the coast of South Carolina, the Cherokees commenced their in-

vasions on the unprotected and unsuspecting back settlers.

Early in the month of July, Griffith Rutherford, brigadier general of the militia of the district of Salisbury, passed the mountains, at the head of nineteen hundred men, while colonel Williamson led a party of the militia of South Carolina against the Cherokees. As general Rutherford crossed the wilderness, parties of Indians, lying in ambush, harassed him by a galling fire. He however after a short time succeeding in silencing them, ranged the settlement of the enemy undisturbed, laid waste the plantations and destroyed their provisions. This timely chastisement produced the most fortunate effect; most of the Indians surrendered themselves and sued for peace. The more obstinate fled to the provinces of the Floridas, in search of that protection, which was due to them, from their instigators.

During these days of alarm and distress in the southern provinces, an important event took place in Philadelphia. On the seventh of June, the congress received the proposition that the United States were and ought of right to be free and independent, that they were absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain was and ought to be totally dissolved. It was agreed upon, on the second of July, and on the fourth a formal declaration of independence was subscribed by the delegates of all the colonies present.

On the first day of August, the council of safety, sitting in the town of Halifax, caused this joyful event to be proclaimed before them, in the presence of the militia of the county drawn up under arms for that purpose, amidst the acclamations and shouts of a larger as-



semblage of people, than had ever been witnessed in that part of the province.<sup>1</sup>

Thus ended the royal government in the province of North Carolina, forty eight years after the purchase of the interest of the lord's proprietors; one hundred and thirteen years after the first charter of Charles the second; and one hundred and ninety-two years after the arrival of the first British adventurers at Ocracock.

Governor Martin's administration was a turbulent one. He lacked not the inclination, neither was he absolutely deficient in the talents, requisite to have rendered it otherwise. During the greater part of it, he seems to have found himself too strictly fettered by his instructions, to have been able to do much for the service of the province. In the latter years, he appears to have misconceived the means that might have averted or quelled the storm. He had formed and communicated to the ministers a wrong idea of his own influence and that of the persons who favored the commotions which ended in the prostration of his authority, and he surely had gained no very intimate knowledge of the temper of the people over whom he presided. His project of arming the slaves would have sullied a reputation acquired by a series of years of useful services.

James Hassell, L. H. De Rosset, John Sampson, Alexander M'Cullough, William Dry, Samuel Cornell, Martin Howard, Marmaduke Jones, Sir Nathaniel Duckinfield and Samuel Strudwick sat in council during governor Martin's residence in the province.

Richard Caswell, of the county of Dobbs, and John Harvey, of the county of Perquimans, filled the chair of the lower house, and Martin Howard, the chief judicial seat, during that period.

The population of the province, at the end of the royal government, is imagined to have consisted of little more than one hundred and fifty thousand souls; one fifth of whom were slaves.

The towns of Edenton, Newbern and Wilmington were the only ones to which the appellation could be given, and the most populous of them, Newbern, did not count more than six hundred inhabitants.

Religion was at a low ebb; notwithstanding the provision made by law for one clergyman of the established church in every parish, there were not more than six ministers, settled in the province. The presbyterians had nearly an equal number. The quakers had religious establishments in the counties of Perquimans, Pasquotank, Orange, Guilford, Johnston and Carteret. The Moravians or united brethren had six settlements, Salem, Bethabara, Bethania, Friedberg, Friedland and Hope, and the number of persons under the care of this church, in all these, was about five hundred.

There was no regular establishment of any other denomination of christians; though the counties were visited by itinerant baptist and methodist preachers.

Litterature was hardly known. There were in the whole province but two schools, the trustees of which had of late been incorporated; those of the towns of Newbern and Edenton. In the first, a wooden building had been erected by the trustees, in which the meetings of the lower house of the legislature were occasionally held.

One of the principal staple commodities of the province was tobacco. It was principally cultivated in the upper counties, bordering on Virginia, and in the western ones, Indian corn, wheat, peas, beans and potatoes, were

raised throughout the colony; indigo and rice were planted in the lower counties of the district of Wilmington. The swamps on the borders of Cape Fear river, were deemed very rich and extremely well calculated for the culture of rice; but the greater part remained undrained for want of people. Cotton was raised on most of the farms, though, perhaps, not on any for exportation, the staple appeared excellent. Ship building was an object of attention, in several parts of the province, large quantities of naval stores and lumber of all kinds were exported yearly. Vast herds of cattle and hogs were raised. Many settlers, in those parts of the country, which lay at a distance from navigable streams, depended on the hides of their cattle and barrelled meat, with some corn and potatoes, for the people of their plantations. Those settlements were not, however, very numerous; most of the farms being on the borders of some river or creek, affording the means of inland navigation. The province, however, was greatly deficient in ports, at the mouths of her rivers, which might admit large ships.

The ordinary mode of husbandry was to clear a piece of wood land, a work of but little trouble, the growth of trees being generally thin. This being effected, and the clearing fenced, Indian corn was yearly sown, till the ground ceased to yield a crop sufficient to repay the labor of the sower. In the lower counties, a new piece of ground was now cleared; in the back counties, where the soil was stronger and the climate more temperate, the land was sown with peas or beans one year, and afterwards, for two or three years, with wheat.

In this system of crops, the land was changed as fast as it wore out, fresh pieces cleared, exhausted in succe-

sion, and left to the spontaneous growth; it was not here, as in England and the northern colonies, where weeds come first and then grass; the climate was so hot, that, except on rich moist lands, any sort of grass was scarce; but the fallow, in a few years, became a forest, no climate being more congenial to the quick growth of trees; if the planter did not return, to cultivate the land, which, from the great abundance of waste ground, was often the case, the old plantation ceased soon to be distinguishable from the rest of the woods.

Fruit was in as great abundance, and naturally of as fine a flavour, as in any of the other provinces; peaches were so plentiful, that vast quantities of them were given to the hogs.

The total exports of the province were valued at one hundred thousand pounds sterling.

*Records.—Magazines.—Gazettes.*



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**THE END.**

# ERRATA.

- Page 7, line 31, *for chamel read channel.*  
42, 13, intended—tended.  
55, 18, Ansa—Anson.  
75, 14, Neppel—Keppel.  
140, 10, tania—trivial.  
141, 18, their—true.  
205, 13, Fanquin—Fauquier.  
“ 14, caused—accompanied.  
208, 26, laid—said.  
222, 22, ingenuously—ingeniously.  
223, 8, ingenuous—ingenious.  
230, 33, five—six.  
234, 13, David—Isaac.  
243, 20, *delete*—and.  
312, 6, *after* sufficient—*add* cause.  
366, 15, their—were.





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